MILPITAS CITY COUNCIL
MEETING AGENDA

TUESDAY, NOVEMBER 17, 2015

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
6:00 P.M. CLOSED SESSION ● 7:00 P.M. PUBLIC BUSINESS

SUMMARY OF CONTENTS

I. **CALL TO ORDER/ROLL CALL** by the Mayor (6:00 p.m.)

II. **ADJOURN TO CLOSED SESSION**

(1) CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION – 2 cases
Pursuant to California Government Code Section 54956.9(d)(1)
- Casagrande v. City of Milpitas, Santa Clara County Superior Court, Case No. 1-15-CV-280605
- SCS Development Co. v. City of Milpitas, Santa Clara County Superior Court, Case No. 115CV283902

(2) CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
Pursuant to California Government Code Section 54956.9 - City as Defendant

(3) CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
Pursuant to California Government Code Section 54956.9 - City as Plaintiff

III. **CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

IV. **PLEDGE OF ALLEGIANCE** (7:00 p.m.)

V. **INVOCATION** (Councilmember Grilli)

VI. **APPROVAL OF COUNCIL MEETING MINUTES** – November 3, 2015

VII. **SCHEDULE OF MEETINGS – COUNCIL CALENDARS -** November and December 2015

VIII. **PRESENTATION** Proclaim Sikh Awareness month

IX. **PUBLIC FORUM**

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

X. **ANNOUNCEMENTS**

XI. **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

XII. **APPROVAL OF AGENDA**

XIII. CONSENT CALENDAR (Items with asterisks*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XIV. PUBLIC HEARINGS

1. **Conduct a Public Hearing and Introduce Ordinance No. 290 to Amend Title I of the Milpitas Municipal Code by Adding Section 21, Amending Title V and Title XI Relating to Administrative Citations (Staff Contact: Tim Wong, 408-586-3286)**

2. **Conduct a Public Hearing and Take All Necessary Actions for Approval including Zone Change for the Development Proposal - the Centre Pointe and Houret Court Project at 1320 and 1425 McCandless Drive, 1463, 1515, 1557 and 1585 Centre Point Drive, 231, 247, 271 Houret Drive and 1757 Houret Court (Staff Contact: Bill Ekern, 408-586-3273)**

3. **Open Public Hearing Regarding Landscape Ordinance Revisions and Move to Continue the Hearing to December 1, 2015 (Staff Contact: Steven Machida, 408-586-3355)**

XV. REPORT OF MAYOR

* 4. **Consider Mayor's Recommendation for Appointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

XVI. NEW BUSINESS

5. **Receive Report from the Chair of the Campaign Finance Reform Committee (Staff Contact: Mary Lavelle, 408-586-3001)**

* 6. **Receive Report on Biennial Rate Adjustments for Solid Waste Program Services Provided by Republic Services of North America (Staff Contact: Steven Machida, 408-586-3355)**

* 7. **Consider Request from Non-profit Milpitas Firefighters Toy Program for a $500 Donation Toward Holiday Toy Program (Staff Contact: Mary Lavelle, 408-586-3001)**

* 8. **Consider Request from Milpitas Executive Lions Club to Co-Sponsor "Celebrating Differences" (formerly Kids and Adults Day) on April 24, 2016 (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVII. ORDINANCE

* 9. **Waive the Second Reading and Adopt Ordinance No. 38.823 Relating to Special Events and Activities (Staff Contact: Bill Ekern, 408-586-3273)**

XVIII. RESOLUTION

* 10. **Consider Mayor Esteves' Proposal to Amend City Commission Bylaws and Adopt a Resolution to Change Commissioner Eligibility (Contact: Mayor Esteves, 408-586-3029)**

XIX. AGREEMENTS

* 11. **Authorize the Chief of Police to Execute the Agreement with the County of Santa Clara for the 2016 Avoid the 13 Grant Program (Staff Contact: Daryl Sequeira, 408-586-2434)**

*** 12. Approve an Amendment No. 2 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of $106,800 and Approve a Budget Appropriation for CIP No. 3401 (Staff Contact: Steven Machida, 408-586-3355)**

*** 13. Approve and Authorize the City Manager to Execute the Storm Water Management Operation and Maintenance Agreement and the On-site Private Utility Agreement for 345 Los Coches Street (Cobblestone), Project No. 2792 (Staff Contact: Steven Machida, 408-586-3355)**

XX. ADJOURNMENT

NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, DECEMBER 1, 2015

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. Phone 408-586-3040

All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current Vacancies on
Bicycle Pedestrian Advisory Commission
Sister Cities Commission (2 vacancies)
Veterans Commission (2 vacancies)

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings in that facility.

XIV. PUBLIC HEARINGS

1. Conduct a Public Hearing and Introduce Ordinance No. 290 to Amend Title I of the Milpitas Municipal Code by Adding Section 21, Amending Title V and Title XI Relating to Administrative Citations (Staff Contact: Tim Wong, 408-586-3286)

Background: The purpose of the code amendment is to update the Municipal Code to create a uniform citation process for all code violations. Currently, the Municipal Code has citation authority for some violations and not for others. Some of the violations that cannot be cited include graffiti, tree removal, lack of solid waste service, and violation of the noise ordinance. Several code sections only allow for infractions, a form of criminal complaint, and/or a charge/lien process. There is no option for a less punitive action, such as a citation. The recommended code change provides the flexibility for a lower-level enforcement tool. This will allow staff to use citations to encourage compliance at a lower level for all ordinances.

Highlights of the citation update:

1. If the violating party is not compliant within a designated timeframe, the City may issue a citation. The amount of the citation increases with each citation of non-compliance, which are the same as other existing citations:
   $100 - First Violation
   $200 - Second Violation
   $500 - Third and Subsequent Violation(s)

2. Appeal rights retained through use of a Hearing Officer process. If the violating party wishes to appeal the citation, he/she must request an Administrative Hearing with the Hearing Officer. The Hearing Officer decision is final, but appealable to Superior Court. This is consistent with the standard practice of other jurisdictions. Currently all appeals of the Administrative Hearing Officer go to the City Council. This would eliminate frivolous appeals (such as trash cans in the front yard, junk cars, etc.) to the Council.

3. It provides a clear and uniform process for the public. The current enforcement process is confusing for the public. There are different requirements under different code sections. The update would provide one uniform process.

The Administrative Update has been reviewed by Police, Public Works, Fire, and Building and Safety Departments. In addition, the Administrative Citation section of the code will replace Section V-500-8.00 and Section XI-10-63.07(B). Therefore, Title V and Title XI will be amended to remove those sections.

Fiscal Impact: Service for an Administrative Hearing Officer will need to be contracted. The fiscal impact is unknown. However, staff will issue a Request for Proposals for this service in order to establish a budget and appropriate charges.

Recommendations:

1. Open the public hearing on the proposed Administrative Citation Ordinance to accept comments.
2. Move to close the public hearing following any comments.
3. Waive the first reading beyond the title of Ordinance No. 290, following the City Attorney reading the title aloud.
4. Introduce Ordinance No. 290 amending Title I of the Milpitas Municipal Code to establish the Administrative Citations regulations.

2. Conduct a Public Hearing and Take All Necessary Actions for Approval including Zone Change for the Development Proposal - the Centre Pointe and Houret Court Project at 1320 and 1425 McCandless Drive, 1463, 1515, 1557 and 1585 Centre Point Drive, 231, 247, 271 Houret Drive and 1757 Houret Court (Staff Contact: Bill Ekern, 408-586-3273)

Background: On October 28, 2015, the Milpitas Planning Commission held a public hearing on the proposed development of a 26.65 acre project in the Transit Area Specific Plan (TASP). The project area is located along the Great Mall Parkway and bounded by McCandless Drive and Montague Expressway. The project proposes to construct 1,169 dwelling units (of which 355 will be for-sale), a 175-room hotel, and 83,842 square feet of retail. Minor deviations from the requirements of TASP, private open space for some studio apartment units, setbacks along interior streets, and building pad elevations to meet flood ordinances require additional findings and issuance of a Conditional Use Permit. Additionally, the proposed development is seeking an exception to the Supplemental Water Use Restrictions contained VIII-6-5.03 and VII-6-5.07. The Planning Commission voted unanimously to recommend to the City Council adoption of the Addendum, adoption of the General Plan Amendment, Specific Plan Amendment, Zoning Amendment, Vesting Tentative Map, Conditional Use Permit, and Site Development Permit for the requested development. In response to the public comment, the Planning Commission also recommended that the City Council consider a police sub-station in the Transit Area Specific Plan area.

Staff and the applicant presented the proposal before the Economic Development Commission on November 9, 2015. Commissioners unanimously accepted and recommended the City Council to approve this development project, as recommended by staff.

Fiscal Impact: The project will pay all TASP fees required and other assorted development fees both to the City and to the School District.

Attachments:
A-C) Three City Council Resolutions
D) Ordinance No. 38.824
E-F) Two Adopted Planning Commission Resolutions
G) Planning Commission Staff Report 10/28/2015
H) Addendum to adopted Environmental Impact Report for the Transit Area Specific Plan
I) Project Plans for The District - Centre Pointe, and Houret Court development

Recommendations:
1. Open the public hearing for comments, and move to close the hearing following all speakers.
2. Adopt City Council Resolution adopting the Addendum to the Transit Area Specific Plan Environmental Impact Report.
3. Adopt City Council Resolution approving the General Plan Amendment and the Specific Plan Amendment.
4. Adopt City Council Resolution approving the Vesting Tentative Map, Site Development Permit, and Use Permit.
5. Following a reading of the title aloud by the City Attorney, move to waive the first reading beyond the title of Ordinance No. 38.324 for zoning changes.
6. Move to introduce Ordinance No. 38.824.

3. Open Public Hearing Regarding Landscape Ordinance Revisions and Move to Continue the Hearing to December 1, 2015 (Staff Contact: Steven Machida, 408-586-3355)

Background: Due to the ongoing severe drought, Governor Brown signed Drought Executive Order (EO B-29-15) on April 1, 2015, which directed the California Department of Water Resources (DWR) to update the State's Model Water Efficient Landscape Ordinance (MWELO) through expedited regulation. The California Water Commission approved the revised MWELO Ordinance on July 15, 2015. State legislation was enacted into the California Code of

Regulations on September 15, 2015. Agencies shall adopt a locally modified ordinance effective on or before December 1, 2015 or the State Model Ordinance shall be in effect. The new provisions include changes to the project threshold for applicability, stricter water efficient measures and formulas, and new requirements for annual reporting to the state.

Additional revisions to the City's Landscape Ordinance are required, so city Engineering staff will present additional background information, as well as the proposed revised ordinance for introduction, to City Council on December 1, 2015.

Recommendations:

1. Open the public hearing on revisions to the city's Water Efficient Landscape ordinance and receive any comments.
2. Move to continue the public hearing to the December 1, 2015 City Council meeting.

XV. REPORT OF MAYOR

*** 4. Consider Mayor's Recommendation for Appointments to City of Milpitas Commissions (Contact: Mayor Esteves, 408-586-3029)**

Background: Mayor Esteves recommends the following appointments:

Arts Commission: re-appoint current Commissioner Harriet McGuire to a new term that will expire in October of 2018.

Veterans Commission: move current Alternate No. 1 Ed Ackerman up to the voting seat as a regular voting member of the Commission to a term that will expire in February of 2016.

Recommendation: Receive Mayor's recommendations and move to approve re-appointments to City of Milpitas Commissions.

XVI. NEW BUSINESS

5. Receive Report from the Chair of the Campaign Finance Reform Committee (Staff Contact: Mary Lavelle, 408-586-3001)

Background: In January, the Mayor recommended and City Council appointed nine residents to serve on the Campaign Finance Reform Committee. Mayor Esteves attended the first meeting of the group on February 19, 2015, providing an overview of the topics he wished the Committee would discuss and provide recommendations to the City Council regarding. City Attorney and City Clerk provided staff expertise and support to the committee as it met seven times during the past year.

At the City Council meeting, Committee Chair Althea Polanski will make a presentation of the final recommendations that the group recommends to the City Council.

Fiscal Impact: None, for receipt of the report. There may be cost implications for some of the recommendations, if adopted by the City Council

Recommendation: Hear report from Chair Althea Polanski of the Campaign Finance Reform Committee. Provide feedback and possible direction to staff.

*** 6. Receive Report on Biennial Rate Adjustments for Solid Waste Program Services Provided by Republic Services of North America (Staff Contact: Steven Machida, 408-586-3355)**

Background: Residential and commercial solid waste service in Milpitas is provided through long-term franchise agreements with Republic Services of North America (Republic). These

private services include garbage collection and disposal, recycling and yard trimmings programs, and street sweeping. The agreements stipulate that the maximum allowable rates charged by the private hauler are adjusted every two years to incorporate changes in inflation, as measured by the consumer price index (CPI), and extraordinary costs, stemming from regulatory requirements imposed on Republic after execution of the agreement. Per the agreement, Republic's next rate ceiling adjustment is effective January 1, 2016 and the new rate will be in effect through September 5, 2017. This will be the last Biennial adjustment under this contract.

The City's consultant, HF&H, reviewed Republic's submission of proposed customer rates for the next 20 months and finds the rate submittal to be in accordance with requirements of the agreement. A copy of the HF&H report is included in the Council agenda packet. Proposed increases for general customer categories are shown in the table below.

Customer Category	Current Monthly Rate	Proposed Rate	Increase
Single Family Service	$31.30	$33.89	$2.59
Senior Rate	$15.65	$16.96	$1.31
Mobile Home (1-can)	$8.65	$10.34	$1.69
Mobile Home (2-cans)	$13.46	$15.34	$1.88
Commercial Service	Various	Various	8.14%-12.6%
Multi-Family Service	Various	Various	3.98%-15.19%
Various Service	Various	Various	3.98%

Staff will update the agreement rate exhibits administratively. The City Council's Finance Subcommittee received this report on October 28, 2015 and recommended the rate adjustment be brought to the full Council for review.

California Environmental Quality Act: This report is exempt from CEQA as there will be no physical change to the environment.

Alternative: Rate formulas are described in the existing agreement. Failure to implement the rate adjustment will be a breach in the terms of the contract.

Fiscal Impact: There will be no fiscal impact to the City from the rate adjustment as garbage collection is a private service provided by a corporate entity and service costs are those solely of the private company. Rates themselves are not imposed by the City.

Recommendation: Receive a report on biennial rate adjustments for solid waste program services provided by Republic Services of North America.

*** 7. Consider Request from Non-profit Milpitas Firefighters Toy Program for a $500 Donation Toward Holiday Toy Program (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: The City Clerk received a "Donation or Fee Waiver/Reduction Request Application Form" on November 3 from the Milpitas Firefighters Toy Program, a 501(c)(3) non-profit organization located in Milpitas. The program seeks donations of toys and money each holiday season, and then distributes those to needy children and families throughout Milpitas. The Toy Program has requested a donation of $500. The request is within the amounts allowed in the Council's adopted policy.

Included in the agenda packet are: the donation request form, the IRS non-profit determination letter, and a flyer for the upcoming toy drive for 2015.

Fiscal Impact: $20,000 was approved and included in the FY 2015-16 City budget for the City Council's Unallocated Community Promotions. If the current donation request is approved, then $16,595.58 would be the remaining balance.

Recommendation: Consider the request from the Milpitas Firefighters Toy Program and approve a $500 donation to the 2015 Milpitas Firefighters Toy Drive.

*** 8. Consider Request from Milpitas Executive Lions Club to Co-Sponsor "Celebrating Differences" (formerly Kids and Adults Day) on April 24, 2016 (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: Thelma Batilo of behalf of the Milpitas Executive Lions Club, requested a co-sponsorship of the second "Celebrating Differences" event at the November 3, 2015 City Council meeting. The event is planned to include fun games, crafts and activities focused on empowering persons with differing abilities. The event would be held in the Milpitas Community Center Auditorium on Saturday, April 24, 2016 from 2:00– 5:00 PM.

A co-sponsorship of this event would include use of the Milpitas Community Center, its amenities and required staffing (Recreation building attendants, Recreation Coordinator) including:

- Auditorium
- Dance Studio
- Conference Room 7&8

A co-sponsorship of this event would also include the use of:

- City Hall Digital Marquee
- City Social Media
- Use of City Logo on event marketing materials

Alternative: The City Council can authorize of fee waiver of up to $1,500 for this event per their Fee Waiver/Reduction Policy. The fee waivers/reductions only apply to services provided by the City during its regular course of business such as rental fees for the City's facilities or equipment, building permit fees, or fire permit fees. The policy prohibits the waiver of any staff overtime costs required due to an event. With this alternative the Lions Club would not have access to the City's Marquee, Social Media or use of the City Logo on event marketing materials.

Fiscal Impact: $3,021 in facility revenue and staff administration costs.

Recommendation: Approve the City of Milpitas co-sponsoring the Milpitas Executive Lions Club's "Celebrating Differences" day event for kids and adults on April 24, 2016, waive City fees in the amount of $3,021 and authorize staff support for the event.

XVII. ORDINANCE

*** 9. Waive the Second Reading and Adopt Ordinance No. 38.823 Relating to Special Events and Activities (Staff Contact: Bill Ekern, 408-586-3273)**

Background: On November 3, 2015, the City Council introduced Ordinance 38.823 to amend the City's Zoning Code to update the regulations regarding Special Events and Activities that provides clear and concise provisions and streamlined process that ensures all special events are conducted in a safe and orderly fashion to benefit all those who live in and visit the City of Milpitas. Ordinance No. 38.823 is now ready for a second reading and adoption.

Recommendations:

1. Waive the second reading of Ordinance No. 38.823.
2. Adopt Ordinance No. 38.823 amending the Milpitas Municipal Code to update zoning regulations regarding Special Events and Activities.

XVIII. RESOLUTION

*** 10. Consider Mayor Esteves' Proposal to Amend City Commission Bylaws and Adopt a Resolution to Change Commissioner Eligibility (Contact: Mayor Esteves, 408-586-3029)**

Background: Since 2009, by-laws of all City Commissions comprised of Milpitas residents require that all Commissioners, including alternates, must be Milpitas residents or residents within the boundaries of Milpitas Unified School District. Mayor Esteves recommends returning to the long-standing prior practice that those appointed to positions required to be residents of Milpitas would be those who are residents within the City of Milpitas boundary only.

This change can be implemented by adopting a resolution directing that all 14 Commission Bylaws for membership requirements be changed to reflect the intended makeup of the Commissions. The change would be effective immediately and applicable to any future Commission appointments.

Recommendation: Adopt a resolution changing the Bylaws of City Commissions to require resident appointments be those of residents within the City of Milpitas boundary.

XIX. AGREEMENTS

*** 11. Authorize the Chief of Police to Execute the Agreement with the County of Santa Clara for the 2016 Avoid the 13 Grant Program (Staff Contact: Daryl Sequeira, 408-586-2434)**

Background: The County of Santa Clara is administering the 2016 Avoid the 13 grant program that offers grant funds from the California Office of Traffic Safety to reimburse law enforcement agencies for overtime expenditures specifically directed towards Driving Under the Influence (DUI) enforcement. The goals of the program are to apprehend drunk drivers and to reduce the number of people killed or injured in alcohol-related collisions. The City of Milpitas has been approved for a grant of $18,700.00 to conduct DUI saturation patrols and a DUI checkpoint on an overtime basis in conjunction with the countywide Avoid the 13 program between October 1, 2015 and September 30, 2016.

Fiscal Impact: None. Overtime expenditures will be reimbursed by the grant.

Recommendations:
1. Authorize the Chief of Police to execute the agreement with the County of Santa Clara for the 2016 Avoid the 13 grant program.
2. Approve a budget appropriation in the amount of $18,700.00 to the Police Department overtime budget as a result of the 2016 Avoid the 13 Grant Program.

*** 12. Approve an Amendment No. 2 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of $106,800 and Approve a Budget Appropriation for CIP No. 3401 (Staff Contact: Steven Machida, 408-586-3355)**

Background: As the City Council is aware, the City's 30-year solid waste collection and disposal agreements with Republic Services will expire in September 2017. On December 2, 2014, the City entered into an agreement with HF&H Consultants (HF&H) for $55,525 to analyze pros and cons of extending the contract or to issue a Request for Proposal (RFP) to search for a new vendor.

In April 2015, Council selected to pursue the RFP option and Staff proceeded to develop the scope of work and budgets. Since Solid Waste Procurement is a highly dynamic and complex process where the completions of tasks are dependent on the results of preceding tasks, Staff structured the completion of the tasks in the RFP using a phased project and budget approach.

Phase 1 was the work that HF&H performed described above and included meetings with staff, preparation of documents, Council briefings, and initiation of the selected option.

Phase 2 of the RFP was approved by Council on June 16, 2015, in the amount of $49,925 which included the subsequent tasks of work involved in developing a list of proposers, completing development of and issuing the RFP including two draft agreements, posting the RFP to a dedicated website, responding to proposer questions, and receiving and conducting an initial review of the proposals. The cost estimate was based upon several assumptions related to these tasks, which included developing and implementing the Integrity Process, preparing and issuing the RFP package, preparing draft collection and disposal agreements, responding to vendor questions, issuing two Addenda, and performing the initial evaluation of proposals. However, some tasks required a larger effort than originally anticipated as described below.

Primary factors affecting the level of effort include:

- Administering the RFP process in conformance with the Integrity Process required significantly more hours than expected.
- Planned to develop the RFP, and the two agreements in parallel; unfortunately had to prepare them in series, due to City staff constraints.
- Planned to use a template for the basis of the two agreements; used the City's current agreement as the basis instead, as there are many unique features that staff desired to retain. This expanded the agreement preparation time.

It is now necessary to approve Phase 3 of the contract which will amend the consultant agreement to include the additional effort as well as to provide new monies for the evaluation of future options and policy and program development. On October 27, 2015, the vendors 'proposals were submitted. The next steps include initial screening of proposals to determine responsiveness and then a more thorough review of the proposals which includes both the evaluation of the disposal and collection effort, seek necessary clarification from proposers, prepare proposal summaries and scoring materials, facilitate proposal interviews and facilitate three meetings with the Evaluation Team. Staff has negotiated Phase 3 (contract Amendment No. 2) with HF&H in the amount of $88,960, which is considered reasonable for this work. Of this total, $18,590 is additional funding for the tasks performed to date and $70,370 is for the next phase of work. A detailed letter from the consultant is included in the Council packet. Staff recommends including a contingency of 20% addressing unforeseen needs, which brings the Amendment No. 2 total to $106,800. The total not-to-exceed amount of this agreement is increased to $212,250. A copy of Amendment No. 2 is included in the Council packet. A budget appropriation in the amount of $106,800 is necessary. Staff continues to recommend a phased approach, for the consultant work, as unknowns include the number of and content of proposals that will be submitted, the extent of alternatives/exceptions proposed and Council direction in negotiating agreements with one or more finalist for collection and for disposal.

California Environmental Quality Act: This amendment is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change to the environment.

Alternative: If the amendment is not approved, engineering staff will not receive procurement consulting services to complete the RFP process and the City will not have resources available to make an informed decision when selecting a vendor to best meet the needs of the City.

Fiscal Impact: A budget appropriation of $106,800 from the Solid Waste Fund to CIP No. 3401 is necessary to perform this work.

Recommendations:

1. Approve Amendment No. 2 to the consultant agreement with HF&H Consultants for solid waste procurement services in the amount of $106,800.

2. Approve a budget appropriation in the amount of $106,800 from the Solid Waste Fund to CIP No. 3401.

*** 13. Approve and Authorize the City Manager to Execute the Storm Water Management Operation and Maintenance Agreement and the On-site Private Utility Agreement for 345 Los Coches Street (Cobblestone), Project No. 2792 (Staff Contact: Steven Machida, 408-586-3355)**

Background: On May 7, 2013, the City Council approved Vesting Major Tentative Map (MT12-0002), Site Development Permit (SD12-0003), Conditional Use Permit (UP12-0016), and Environmental Impact Assessment (EA12-0005) for the construction of 28 new single- family detached residential units and four live-work units on 2.7 acres, located at 345 Los Coches Street (APN: 086-39-001, 086-39-002).

At the time of final map approval the Storm Water Management Operation and Maintenance Agreement and an On-site Private Utility Agreement were not included in the package sent to council. Staff is now requesting approval and authorization.

California Environmental Quality Act: These agreements are covered under the project's Mitigated Negative Declaration.

Alternative: If the Storm Management Operation and Maintenance Agreement and the On-site Private Utility Agreement are not approved, the developer will not be able to complete the development conditions for final project acceptance.

Fiscal Impact: None.

Recommendations:

1. Approve and authorize the City Manager to execute the Storm Management Facilities Operation and Maintenance Agreement for 345 Los Coches Street (Cobblestone), Project No. 2792.
2. Approve and authorize the City Manager to execute the On-site Private Utility Agreement for 345 Los Coches Street (Cobblestone), Project No. 2792.

XX. ADJOURNMENT

NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, DECEMBER 1, 2015

November 2015

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January 2016

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MILPITAS CITY COUNCIL CALENDAR

December 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 **6:00 PM**-Closed Session **7:00 PM**-City Council	**2** **7:30 AM**-Santa Clara VTA Northeast Group (JE) **5:30 PM**-Veterans Commission (DG) **7:00 PM**-Community Advisory Commission (CM)	**3** **5:30 PM**-Santa Clara VTA Board of Directors (JE) **5:30 PM**-Milpitas Chamber of Commerce Board (DG)	**4**	**5**
6	**7** **10:00 AM**-Silicon Valley Rapid Transit Program Working Committee (JE) **7:00 PM**-Parks, Recreation & Cultural Resources Commission (GB)	**8**	**9** **7:00 PM**-Planning Commission	**10** **4:00 PM**-Santa Clara VTA Policy Advisory Committee (CM) **4:30 PM**-Treatment Plant Advisory Committee (JE) (San Jose) **7:00 PM**-Youth Advisory Commission (DG) **7:00 PM**-Cities Assoc of SCC (JE)	**11**	**12**
13	**14**	**15** **6:00 PM**-Closed Session **7:00 PM**-City Council	**16**	**17** **12:00 PM**-Santa Clara VTA Congestion Management Program & Planning Committee (JE)	**18**	**19**
20	**21**	**22**	**23**	**24 and 25** **CHRISTMAS EVE and CHRISTMAS DAY** All City Departments closed for Holiday 		**26**
27	**28**	**29**	**30**	**31** **12:00 PM**-Terrace Gardens Board of Directors (DG)	**JANUARY 1, 2016** **NEW YEAR'S DAY** All City Departments closed for Holiday 	

Printed 11/10/2015

October 2015

S	M	T	W	T	F	S
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25	26	27	28	29	30	31

December 2015

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MILPITAS CITY COUNCIL CALENDAR

November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	**2** **4:00 PM**-City Council / MUSD School Board Joint Communication Committee (CM & MG) **7:00 PM**-Parks, Recreation & Cultural Resources Commission (GB)	**3** **6:00 PM**-Closed Session **7:00 PM**-City Council	**4** **7:30 AM**-Santa Clara VTA Northeast Group (JE) **7:00 PM**-Community Advisory Commission (CM)	**5** **5:30 PM**-Santa Clara VTA Board of Directors (JE) **5:30 PM**-Milpitas Chamber of Commerce Board (DG) ~~**7:00 PM**-Bicycle Pedestrian Advisory Commission (CM)~~	**6**	**7**
8	**9** **4:00 PM**-Economic Development Commission (CM)	**10**	**11** **9:00 AM Veterans Day City Event** All City Departments closed for Holiday 	**12** **4:00 PM**-Santa Clara VTA Policy Advisory Committee (CM) **7:00 PM**-Cities Assoc of SCC (JE) **7:00 PM**-Youth Advisory Commission (DG)	**13**	**14**
15	**16** **7:00 PM**-Telecommunications Commission (GB) **7:00 PM**-Library Advisory Commission (CM) **7:00 PM**-Arts Commission (DG)	**17** **6:00 PM**-Closed Session **7:00 PM**-City Council	**18** **7:00 PM**-Planning Commission	**19** **10:00 AM**-Santa Clara VTA Congestion Management Program & Planning Committee (JE) **4:00 PM**-Treatment Plant Advisory Committee (JE) (San Jose) **6:00 PM**-Sister Cities Commission (MG) **7:00 PM**-Bay Area Water Supply Conservation Agency (Foster City-JE) **7:00 PM**-Emergency Preparedness Commission (MG)	**20**	**21**
22	**23**	**24**	**25**	**26 and 27** **THANKSGIVING DAY** All City Departments closed for Holiday 		**28**
29	**30** **7:00 PM** Outdoors at Civic Center: **Holiday Tree Lighting & Celebration** 					

Printed 11/10/2015

Draft MEETING MINUTES
CITY OF MILPITAS

Minutes of: **Regular Meeting of Milpitas City Council**
Date: **Tuesday, November 3, 2015**
Time: **6:00 PM Closed Session / 7:00 PM Open**
Location: **Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas**

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

CLOSED SESSION

City Council convened in Closed Session to discuss three litigation matters.

City Council then convened in Open Session at 7:22 PM.

ANNOUNCEMENT

No announcement out of closed session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Councilmember Grilli invited Mr. Cary Matsuoka, Superintendent of Milpitas Unified School District to provide a prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of October 20, 2015 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendar/Schedule of Meetings for November 2015

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves made several presentations at the meeting.

The Mayor commended the Milpitas winners at 2015 Synopsys Championship. Santa Clara Valley Science and Engineering Fair Association representative Sandra Meditch explained the championship and thanked the Mayor for commending: Prathik Kakariamudi (Merryhill School Milpitas), Aditya Umes Udgaonkar (Merryhill School Milpitas), Victoria Truong (Merryhill School Milpitas) and Hilal Atesoglu (Magnolia Science Academy).

The Mayor commended student Tyler Nguyen for participation as a US National Taekwondo team member in recent competition.

He also commended and thanked Mr. Rene Briones, a long-time Troop and ScoutMaster for the Boy Scouts, a Bicycle Pedestrian Advisory Commissioner along with other community contributions, upon his departure from Milpitas.

PUBLIC FORUM

Thelma Batilo**,** Milpitas resident, asked for an agenda item on November 17 for her Special Kids & Adults Day, which she and other were planning to host a second annual celebration related to a special olympics-type event for challenged children and adults on Sunday, April 24, 2016. She hope to have it at the Milpitas Community Center, and asked specifically to partner with the City on the event with the Milpitas Lions Club.

Robert Marini, Milpitas resident, referred to the water rate notice sent out to the public recently, where he found no reference to the $2.5 million bond, putting the City and ratepayers in debt for 30 years. He listed various objections to the notice, fees, and expenses for utility services. Also, he asked for agenda item No. 4 (Council subcommittee) to come off the consent calendar.

Voltaire Montemayor, Milpitas resident, talked about the number of high school enrollees, and a need to find a place for another high school, for swimming and taekwondo, other sports.

Rob Means, Milpitas resident at 1421 Yellowstone Ave., spoke on PRT capacity and explained recent technology and handed out a flyer with further information for the Council.

Tom Valore, Milpitas resident, referred to major decisions for procurements for hauling and disposal contract for garbage coming up in February. It would have a big impact on every resident and it appeared that work so far had been objective. However, it could get to be subjective when it comes to City Council decision-making.

ANNOUNCEMENTS

City Manager Tom Williams announced that on Wednesday, November 11, the City would honor all veterans on that holiday with a ceremony starting at 9:00 AM at the outdoor Veterans Plaza.

Vice Mayor Montano had attended Senator Wieckowski's address on October 29, presenting local heroes, including Milpitas Police Officer Eric Emmanuele. She attended that event along with Councilmember Marsha Grilli.

Mayor Esteves announced that Milpitas High School students were sponsoring the annual Jack Emory Food Drive for food donations this month, going to the Milpitas Food Pantry.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Councilmember Giordano requested to remove agenda item no. 4 (new Council subcommittee) based on the request from a resident in the audience.

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

Motion carried by a vote of: AYES: 5
NOES: 0

*2. Odor Report Update — Received the update of the odor control report.

*3. Commission Appointment — Newly appointed Raghu Reddy as Alternate No. 2 on the Economic Development Commission to a term that will expire in April of 2016.

*5. In-Kind Arts Grant	Approved two applications for the Milpitas Arts and Culture Grant program and awarded grants to the Filipino American Association of Milpitas, Inc. and South Bay Kids for in-kind performance space at City facilities and City of Milpitas staff support for the Fil-Am Fiesta and We've Got the Music concert, events in 2016.
*7. Council Schedule 2016	Approved the 2016 City Council meeting schedule, including additional special meetings in July and December to accept final election results.
*8. Investment Portfolio Status	Received the investment report for the quarter ended September 30, 2015
*9. 3 months Financial Status	Received the financial status report for the three months ended September 30, 2015.
*10. Resolution	Adopted Resolution No. 8508 granting initial acceptance of the Automated Water Meter (Phase 1), Projects No. 7121, subject to a one year warranty period, and reduction of the faithful performance bond to $33,330.78; and, granting authorization to the City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
*11. Verde Design Inc.	Approved the agreement with Verde Design Inc. in the amount of $137,500 for the Milpitas Sports Center Sports Fields, Project No. 5104 to provide construction management support.
*12. Pay Preston Pipelines	Received report of emergency erosion repair of Wrigley-Ford Creek, Project No. 3700 and authorize payment of invoices for this work to Preston Pipelines.

PUBLIC HEARING

1. Special Events Ordinance

Planner Cindy Hom provided the background regarding the process for approving events at the City government. Special event and activities had been reviewed – per a 2010 municipal code update - by the Planning Commission Subcommittee. Improvements were recommended by the Planning Commission for streamlining this process with new definitions, updated requirements, standards and conditions, and levels of approval.

Vice Mayor Montano asked what the major change was. Ms. Hom replied it was to define "special event" by stating what it is and is not. Also defined further were criteria for approving an event, refined insurance requirements, and clear procedures for appeals and revocations.

Councilmember Barbadillo inquired what brought about the changes recommended and staff said these streamlining ideas came from the Planning Commission Subcommittee.

Next, Mayor Esteves opened the public hearing.

Tom Valore, Milpitas resident and a member of the Board of Directors of the Milpitas Chamber of Commerce, wondered if organizations most affected by these changes were aware of these recommendations. He suggested to the Council and staff to make local organizations immediately aware of the changes, if adopted.

Voltaire Montemayor, Milpitas resident, asked if there was space to make a big auditorium to accommodate 1,000 people, then all could have a large City fiesta similar to a BBQ, have floats from all nationalities in the world.

(1) Motion: close the public hearing following any comment

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

City Attorney Chris Diaz read aloud the title of Ordinance No. 38.823, "An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code (Zoning Code), Sections 2, 13.11, and 24.04, Tables 57.04-1 and 64.02-1, and Adding Section 15, Relating to Special Events and Activities."

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.823

Motion/Second: Councilmember Barbadillo/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

(3) Motion: to introduce Ordinance No. 38.823 amending the City of Milpitas Zoning Code to include provisions relating to special events and activities

Motion/Second: Councilmember Barbadillo/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

4. New Subcommittee

Mayor Esteves asked if any specific Councilmember wanted to volunteer to serve on the new Communications subcommittee, beyond Councilmember Grilli (and himself). No response was heard.

Robert Marini, Milpitas resident, asked why the City Council was forming a new Subcommittee for communications after it had just hired a firm for $180,000. He wanted to know what was to be gained by this action.

Mayor Esteves expressed his reason for the request for the new subcommittee. It was to review communications work plans, review press releases and other written materials on major information to the public, prior to that information being distributed. The City Manager commented that he expected much of the review to happen by e-mail communication and to schedule meetings only when needed.

Councilmember Giordano thought this was a terrific idea, as an outgrowth of having the public relations firm. She supported the idea.

Mayor Esteves invited comment from the audience.

Voltaire Montemayor, Milpitas resident, believed it was like a screening for consultancy with the subcommittee.

Motion: to receive the Mayor's recommendation and to approve formation of a new City Council Communications Subcommittee, with he and Councilmember Grilli as the appointed members

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

6. Report from PG&E rep.

Planning Director Bill Ekern introduced Anthony Lin, Government Relations Representative for Pacific Gas & Electric, who came before the City Council to talk about its Community Underground Pipeline safety project and outreach to municipalities.

Mr. Lin then introduced Darin Cline, Government Relations, Community Pipeline Safety Initiative, and Greg Saenz, Senior Vegetation Program Manager. The men discussed some issues with trees in the community, and the need to remove trees and replace some vegetation for safety purposes. Mr. Saenz described electric lines and safety measures needed with regard to landscaping and trees, including removing some vegetation and landscaping, specifically trees along McCarthy Blvd.

Vice Mayor Montano asked about the trees at McCarthy Ranch. She wanted to ensure the PG&E staff was aware of recent efforts by the Community Advisory Commission to encourage and to plant more trees throughout the City.

Councilmember Grilli asked if any of the trees were historical trees that PG&E wanted to remove. The City Manager responded no.

Timeframes for tree removal would be by the end of this year 2015, PG&E reported. This was especially in preparation prior to the anticipated "el niño" weather pattern expected in early 2016.

Councilmember Barbadillo asked if any of the trees to be removed were in residential housing areas of the City. PG&E staff replied about 10% of those in Milpitas on their list.

Mayor Esteves had several questions for the utility, including who would resolve disagreements about the removal of a tree if a homeowner objected. PG&E responded that it had over 90% success in tree removal on homeowner properties to date, with the bottom line was safety for everybody.

Next, the Mayor invited audience members to comment.

Bob Nunez, a resident of Villa Landings in Milpitas, referred to a letter his homeowners association had received two months ago from PG&E about removal of trees near electric lines on their property, being too close. A contractor had performed removal work and the association received only a small amount from PG&E in return to replant landscaping. He thanked the Mayor in particular for questioning who would resolve any disputes.

Robert Marini, Milpitas resident, felt if no letter was received by December, then there was no issue at one's home. There was some contradiction and concern for safety, and potential cyber attacks on communication lines.

Voltaire Montemayor, Milpitas resident, was in between when it came to danger. A deep problem could not be stopped. He was concerned about lightening rod, live wire, tree roots dead or alive, and corrosive pipes which were acidic.

Motion: to accept the oral report from PG&E representatives, after providing comments to the utility's staff

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT Mayor Esteves adjourned the City Council meeting at 9:03 PM.

Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk

PLEASE NOTE:

This copy of Ordinance No. 290 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

REGULAR

NUMBER: 290

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS RELATING TO ADMINISTRATIVE CITATIONS, AMENDING TITLE I OF THE MILPITAS MUNICIPAL CODE TO ADD A NEW CHAPTER 21, AMENDING SECTIONS OF TITLES XI AND VIII, AND REPEALING A SECTION OF TITLE V

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City Council has enacted a Municipal Code and other ordinances necessary to promote the health, safety and welfare of the community; and

WHEREAS, the City Council desires to encourage compliance with the Municipal Code and City ordinances; and

WHEREAS, Chapter 1 of Title 1 of the Municipal Code includes provisions relating to criminal infractions and misdemeanors for certain Municipal Code violations; and

WHEREAS, various Chapters and Sections of the Municipal Code include enforcement provisions authorizing the issuance of administrative citations for certain Municipal Code violations; and

WHEREAS, currently, there is no comprehensive and uniform procedure for the issuance and appeal of administrative citations for Municipal Code violations; and

WHEREAS, California Government Code Section 53069.4 provides for an alternative administrative system of enforcement where the City may make any violation of its Municipal Code and other ordinances subject to an administrative fine or penalty; and

WHEREAS, the purpose of this Ordinance is to provide a comprehensive and uniform procedure for the issuance and appeal of administrative citations in the enforcement of the Municipal Code and State law; and

WHEREAS, the City Council has determined that enactment of a new comprehensive administrative citation ordinance is in the public interest.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE, TITLE I

Title I of the Milpitas Municipal Code is hereby amended to add a new Chapter 21 entitled "Administrative Citations" to read as follows:

Chapter 21 – Administrative Citations

I-21-1.01 - Applicability

A. This Chapter provides for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of the Municipal Code or other laws.

B. Use of this Chapter shall be at the sole discretion of the City and Enforcement Officers.

I-21-1.02 - Definitions

A. "Enforcement Officer" shall mean that person or persons specifically designated by the Municipal Code or the City Manager to enforce any provisions of the Municipal Code or other laws.

B. "Responsible Person" shall mean any person who is the owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes or maintains a violation of the Municipal Code or other laws.

I-21-1.03 - Administrative Citation

A. Whenever an Enforcement Officer charged with the enforcement of any provision of the Municipal Code determines that a violation of a provision has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for the violation.

B. Authority to Issue an Administrative Citation

(1) Continuing Violation that does not create an immediate danger to public health and safety. Where the violation is a Continuing Violation that does not create an immediate danger to public health and safety, the citation shall set forth a reasonable period of time, which shall not be less than 15 days, for the person responsible for the continuing violation to correct or otherwise remedy the violation prior to the imposition of the administrative fine.

(2) Continuing violation that creates an immediate danger to public health and safety. Where a violation is a Continuing Violation that constitutes an immediate danger to public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two hour time period, the City shall have the option to initiate summary abatement procedures under Section V-500-3.08 or impose the administrative fine and administrative citation provisions under Section V-500-8.00.

(3) Individual Violation that does not create an immediate danger to public health and safety. Where a violation is an Individual Violation that does not create an immediate danger to public health and safety, a written notice to correct the violation shall be issued for the first offense. For second and subsequent violations of the same code provision, the person responsible for the violation shall not have an opportunity to correct or otherwise remedy the violation prior to the administrative fine being imposed. Each person, firm or corporation shall be guilty of a separate offense for each day and everyday during any portion of which any violation of any provision is committed.

(4) Individual Violation that creates an immediate danger to the public health and safety. Where a violation is an Individual Violation that constitutes an immediate danger to the public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two hour time period, the City shall have the

option to initiate summary abatement procedures under Section V-500-3.08 or impose the administrative fine and administrative citation provisions under Section V-500-8.00. Each person, firm or corporation shall be guilty of a separate offense for each day and everyday during any portion of which any violation of any provision is committed.

C. Each administrative citation shall contain the following information:

(1) The date of the violation;

(2) The address or a definite description of the location where the violation occurred;

(3) The section of the Municipal Code or other law violated and a description of the violation;

(4) The amount of the fine for the Municipal Code or other law violation;

(5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

(6) An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;

(7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for a hearing form to contest the administrative citation may be obtained; and

(8) The name and signature of the citing Enforcement Officer.

D. Each provision of this Municipal Code or other law that is violated constitutes a separate violation. Each day such a violation continues shall be regarded as a new and separate violation.

I-21-1.04 - Amount and Payment of Fines

A. Pursuant to the authority granted in Section 53069.4 of the California Government Code, the amount of administrative fines for code or other violations imposed pursuant to this Chapter shall be assessed in the amounts specified by Resolution of the City Council, or where no amount is specified in the Resolution:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;

(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of the same code provision within one (1) year from the date of the first violation.

(3) A fine not exceeding five hundred dollars ($500.00) for a third or more violation(s) of the same code provision within one (1) year from the date of the first violation.

B. Payment of the Fine

(1) The fine shall be paid to the City within thirty (30) days from the date of the administrative citation. A late payment charge of Twenty-Five Dollars ($25.00)

and interest at the legal rate of ten percent (10%) shall be imposed on a monthly basis for any administrative citation amount remaining unpaid to the City.

(2) Any administrative citation fine paid pursuant to this Chapter shall be refunded, if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

(3) Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the Municipal Code or other law violation that is the subject of the administrative citation.

I-21-1.05 - Appeal Hearing Request

A. Any recipient of an administrative citation may contest that there was a violation of the Municipal Code or other law or that he or she is the responsible party by completing a request for hearing form and returning it to the City within fifteen (15) calendar days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section I-21-1.06.

B. A request for a hearing form may be obtained from the department specified on the administrative citation.

C. Any appeal not timely filed shall be rejected. Failure of any person to file an appeal in accordance with the provisions of this Section I-21-1.05 shall constitute waiver of that person's rights to administrative determination of the merits of the citation and the amount of the fine.

I-21-1.06 - Advance Deposit Hardship Waiver

A. Any person who intends to request a hearing to contest that there was a violation of the Municipal Code or other law or that he or she is the Responsible Person and who is financially unable to make the advance deposit of the fine as required in this Chapter may file a request for an advance deposit hardship waiver at the time of filing the hearing request.

B. The requirement of depositing the full amount of the fine as described in Section I-21-1.05(A) shall be stayed until the Director of Finance makes a determination on the advance deposit hardship waiver request.

C. The Director of Finance may waive the requirement of an advance deposit only if the requesting party submits to the Director of Finance a sworn declaration, together with any supporting documents or materials, demonstrating to the satisfaction of the Director of Finance the person's actual financial inability to deposit with the City the full amount of the fine in advance of the hearing.

D. The Director of Finance shall issue and mail a written decision upon the person who applied for the advance deposit hardship waiver. The written decision shall list the reasons for his or her decision. The written decision of the Director of Finance shall be final.

E. If the Director of Finance determines not to grant the advance deposit hardship waiver, the person shall remit the deposit to the City within ten (10) calendar days of the date of the written decision.

I-21-1.07 - Dismissal of Citation

At any time before the hearing, if the Enforcement Officer determines that there was no violation as charged in the administrative citation or that the citation should be dismissed in the interest of justice, the Enforcement Officer may dismiss the administrative citation, cancel the requested hearing, and refund any advance deposit paid pursuant this Chapter.

I-21-1.08 - Hearing Officer

The City Manager shall designate the Hearing Officer for the administrative citation hearing. The employment, performance, evaluation, compensation and benefits of the Hearing Officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the Hearing Officer.

I-21-1.09 - Hearing Procedure

A. No hearing to contest an administrative citation or other administrative decision governed by this Chapter before a Hearing Officer shall be held unless and until a timely written request for a hearing has been submitted in accordance with Section I-21-1.05, and the fine has been either deposited in advance or waived in accordance with Section I-21-1.06.

B. A hearing before the Hearing Officer shall be set for a date that is not less that fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

C. The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred or administrative citation should be upheld, or whether the Responsible Person has caused or maintained the violation of the Municipal Code or other law on the date(s) specified in the administrative citation.

D. The Responsible Person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.

E. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

F. The administrative citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the Enforcement Officer submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of the additional documents shall also be mailed to the person requesting the hearing prior to the date of the hearing.

H. No other discovery is permitted. Formal rules of evidence shall not apply.

I. The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the administrative citation prior to issuing a written decision.

I-21-1.10 - Hearing Officer's Decision

A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or dismiss the administrative citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final.

B. If the Hearing Office determines that the administrative citation should be upheld, then the fine amount on deposit with the City shall be retained by the City.

C. If the Hearing Officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the Hearing Officer shall set forth in the decision a payment schedule for the fine.

D. If the Hearing Officer determines that the administrative citation should be dismissed and the fine was deposited with the City, then the City shall refund the amount of the deposited fine in accordance with standard operating procedures established by the City.

E. The recipient of the administrative citation shall be mailed a copy of the Hearing Officer's written decision.

I-21-1.11 - Failure to Pay Fines

A. The failure of any person to pay a fine assessed by the administrative citation within the time specified on the administrative citation constitutes a debt to the City. To enforce the debt, the City may file a civil action, impose a special assessment as set forth below, or pursue any other legal remedy to collect such debt, including reasonable costs of collection and attorneys' fees.

B. The City may impose a special assessment against the property that is subject of an administrative citation if the citation has been issued to the property owner. If the administrative citation concerns property now owned by the Responsible Person, the City may impose a special assessment against the property owned by the Responsible Person. The City Manager shall record a notice of lien in the Santa Clara County Recorder's Office for the amount of the lien assessment.

C. After recordation, a copy of the lien assessment shall be turned over to the Santa Clara County tax collector. At that point, it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. In the alternative, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.

I-21-1.12 - Right to Judicial Review

Any person aggrieved by an administrative decision of a Hearing Officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Santa Clara County Superior Court in accordance with the timelines and provisions set forth California Government Code Section 53069.4.

I-21-1.13 - Notices

A. The administrative citation and all notices to be given by this Chapter shall be provided to the Responsible Person in accordance with the provisions of this Section I-21-1.13. Unless different provisions herein are otherwise specifically made, such administrative citation or notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Notice by mail shall be deemed to have been completed at the time of deposit with the U.S. Postal Service.

B. Failure to receive any notice specified in this part does not affect the validity of proceedings conducted hereunder.

I-21-1.14 - Civil or Criminal Actions Not Affected

Any administrative citation issued pursuant to this Chapter shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE, TITLE XI, CHAPTER 10

Section 63 of Chapter 10 of Title XI of the Milpitas Municipal Code is hereby amended to read as follows:

~~XI-10-63.07 - Administrative Citation Procedure~~

~~A. General. When he or she determines that one or more violations of this Chapter have occurred, the City Manager and his or her designee may issue administrative citations pursuant to the procedures set forth in Sections XI-10-63.07(B), Administrative Citation, of this Chapter.~~

~~1. Continuing Violation that does not create an immediate danger to public health and safety. Where the violation is a Continuing Violation that does not create an immediate danger to public health and safety, the citation shall set forth a reasonable period of time, which shall not be less than 30 days, for the person responsible for the continuing violation to correct or otherwise remedy the violation prior to the imposition of the administrative fine.~~

~~2. Continuing violation that creates an immediate danger to public health and safety. Where a violation is a Continuing Violation that constitutes an immediate danger to public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two hour time period, the City shall have the option to initiate summary abatement procedures under Section XI-10-63.09 Abatement Procedure, of this chapter, or impose the administrative fine below and administrative citation provisions under Section XI-10-63.07(B), Administrative Citation, of this Chapter.~~

3. Individual Violation that does not create an immediate danger to public health and safety. Where a violation is an Individual Violation that does not create an immediate danger to public health and safety, a written notice to correct the violation shall be issued for the first offense. For second and subsequent violations of the same code provision, the person responsible for the violation shall not have an opportunity to correct or otherwise remedy the violation prior to the administrative fine being imposed. Each person, firm or corporation shall be guilty of a separate offense for each day and everyday during any portion of which any violation of any provision is committed.

4. Individual Violation that creates an immediate danger to the public health and safety. Where a violation is an Individual Violation that constitutes an immediate danger to the public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two hour time period, the City shall have the option to initiate summary abatement procedures under Section XI-10-63.09, Abatement Procedure, of this Chapter, or impose the administrative fine below and administrative citation provisions under Section XI-10-63.07(B), Administrative Citation, of this Chapter. Each person, firm or corporation shall be guilty of a separate offense for each day and everyday during any portion of which any violation of any provision is committed.

   a. The schedule of fines for administrative citations issued for violations of this Chapter is as follows:

      i. Not to exceed one hundred dollars ($100) for the first violation;

      ii. Not to exceed two hundred dollars ($200) for the second violation of the same code provision within twelve (12) months; and

      iii. Not to exceed five hundred dollars ($500) for the third and subsequent violation of the same code provision within twelve (12) months.

   b. Each person that fails to pay any fine set out in an administrative citation issued pursuant to this section shall be liable for a late payment charge of 10%.

B. Administrative Citation

1. Whenever an enforcement officer charged with the enforcement of any provision of this Chapter determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.

2. Each administrative citation shall contain the following information:

   a. The date of the violation;

   b. The address or a definite description of the location where the violation occurred;

   c. The section of this Chapter violated and a description of the violation;

   d. The amount of the fine for the code violation;

   e. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

   f. An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;

   g. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and

h. The name and signature of the citing enforcement officer.

3. Amount of Fines.

a. The amounts of the fines for code violations imposed pursuant to this Chapter shall be set forth in the schedule of fines established by resolution of the City Council.

b. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within twelve months from the date of an administrative citation.

c. The schedule of fines shall specify the amount of any late payment charge imposed for the payment of a fine after its due date.

4. Payment of the Fine.

a. The fine shall be paid to the City within thirty days from the date of the administrative citation.

b. Any administrative citation fine paid pursuant to Section XI-10-63.07(B)(4)(a) shall be refunded, with interest, if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

c. Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

5. Hearing Request.

a. Any recipient of an administrative citation may contest that there was a violation of the Code or that he or she is the responsible party by completing a request for hearing form and returning it to the City within fifteen (15) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed.

b. A request for hearing form may be obtained from the City Clerk.

c. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

d. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

6. Advance Deposit Hardship Waiver. Any person who intends to request a hearing to contest that there was a violation of the Code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required, may file a request for an advance deposit hardship waiver at the time of filing the hearing request.

XI-10-63.097 - Abatement Procedure

A. Notification of Nuisance. Whenever the City Manager determines that any property within the City is being maintained contrary to one or more of the provisions of this Chapter, he or she will give written notice ("Notice to Abate") to the owner/occupant(s) of said property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event less than or equal to thirty (30) calendar days, for correcting the violation(s) of Chapter XI-10, Zoning, for correcting the violation(s) and may also set forth suggested methods of correcting the same unless the City Manager determines that the condition constitutes a threat

to the health and safety of any person, in which event, the City Manager may designate a shorter time limit for correcting the violation. Such notice shall be served upon the owner/occupant in accordance with provisions of Section XI-10-63.0~~9~~7(D), Notice of Hearing, of this Chapter, covering service in person or by mail.

B. Exception for Undue Hardship. The notice shall also inform the owner/occupant (excluding an owner acting in a capacity of landlord of rental property) that, upon written request of the owner/occupant submitted within seven (7) calendar days of the "Notice to Abate," the City Manager, in his or her sole discretion, may allow for a time limit in excess of thirty (30) days for correcting the violation in cases where strict enforcement of the time limit would result in an undue hardship on the owner/occupant. In the written request, the owner/occupant shall state the reasons why strict enforcement of the time limit would result in an undue hardship.

C. Administrative Hearing to Abate Nuisance. In the event said owner/occupant shall fail, neglect or refuse to comply with the "Notice to Abate," the City Manager shall conduct an administrative hearing to ascertain whether said violation constitutes a public nuisance.

D. Notice of Hearing. Notice of said administrative hearing shall be served upon the owner/occupant not less than seven (7) calendar days before the time fixed for hearing. Notice of the hearing shall be served in person or by certified mail to the owner/occupant's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE

This is a notice of hearing before the City Manager (or his/her designees) to ascertain whether certain property situated in the City of Milpitas, State of California, known and designated as (public right-of-way address) _____, in said City, and more particularly described as (Assessor's Parcel Number) _____ constitutes a violation or public nuisance subject to abatement pursuant to Section XI-10-63.0~~9~~07, Abatement Procedure, of the Milpitas Municipal Code. If said property, in whole or part, is found to constitute a public nuisance as defined in the Milpitas Municipal Code and if the same is not properly abated by the owner/occupant, such nuisance may be abated by municipal authorities, in which case the cost of such rehabilitation, repair, or abatement will be assessed upon such property and such costs, together with interest thereon, may constitute a special assessment or lien upon such property until paid. In addition, you may be cited for violation of the provisions of the Municipal Code and subject to an administrative fine.

Said alleged conditions consist of the following:

_____
_____
_____
_____

The method(s) of abatement are:

_____
_____
_____
_____

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard to determine whether certain conditions constitute a public nuisance and whether such conditions shall be abated as a public nuisance.

Dated this _____ day of _____, 20_____.

_____
City Manager

Time and Date of Hearing: _____

Location of Hearing: _____

E. Administrative Hearing by City Manager or His/Her Designees. At the time stated in the notice, the City Manager shall hear and consider all relevant evidence, objections or protests, and shall receive testimony relative to such alleged public nuisance and to proposed rehabilitation, repair, removal or abatement of such property. Said hearing may be continued from time to time.

If the City Manager finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, abate, remove or repair the same, the City Manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement and the time within which the work shall be commenced and completed. A copy of the findings and order shall be served on all owner/occupants of the subject property in accordance with the provisions of Section XI-10-63.0~~9~~7(D), Notice of Hearing, of this Chapter. In addition, a copy of the findings and order shall be forthwith conspicuously posted on the property. The order shall set forth the time within which such work shall be completed by the owner/occupant, in no event less than fifteen (15) calendar days.

In the event the owner/occupant fails to abate the nuisance as ordered, the City Manager shall cause the same to be abated by City employees or private contract. The costs shall be billed to the owner/occupant, as specified in Sections XI-10-63.~~10~~08(A) through XI-10-63.08~~10~~(E), Cost Recovery, of this Chapter. In appropriate circumstances, the City Manager shall request the City Attorney to obtain all necessary judicial approval for entry onto the subject premises for abatement purposes.

F. Hearing Procedure Before City Manager and His/Her Designees. All hearings shall be tape recorded.

Hearings need not be conducted according to the technical rules of evidence.

Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this S~~s~~tate. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

Irrelevant and unduly repetitious evidence shall be excluded.

G. Appeal of Decision by City Manager and His/Her Designees to the City Council. The decision of the City Manager and His/Her Designees may be appealed to the City Council in conformance with the provisions of Milpitas Municipal Code Section I-20-5.

H. Limitation on Filing Judicial Action. Any judicial action appealing the City Council's decision and order shall be commenced within thirty (30) calendar days of the date of service of the decision.

I. Summary Abatement of Immediate Hazard or Obstruction. In the event of:

1. A nuisance defined by statute, ordinance or resolution as a public nuisance which constitutes an immediate danger to persons or property;

2. A nuisance defined by statute, ordinance or resolution as a public nuisance which is located or maintained on public property including, but not limited to, any public right-of-way, highway, sidewalk, easement, park or building; or

3. Any obstruction or encroachment to free passage upon any public property (which is hereby declared to be a public nuisance) including, but not limited to, any public right-of-way, highway, easement, sidewalk, park or building, the City Manager may, forthwith and without notice, abate said nuisance and recover the cost of abatement as provided for in Section XI-10-63.~~10~~08, Cost Recovery, of this Chapter. Summary abatement may include the temporary removal to a safe location of persons placed in immediate danger from a public nuisance. In such event, the City shall be entitled to recover all costs related to the removal, including but not limited to, storage of possessions and rental of living accommodations, as well as any other recoverable cost provided for in Section XI-10-63.~~10~~08, Cost Recovery, of this Chapter.

XI-10-63.~~10~~08 - Cost Recovery

A. Recovery of Costs. This Section establishes procedures for the recovery of administrative costs, as well as attorneys' fees and costs, incurred by the City in the enforcement process, for the abatement of conditions defined as a nuisance or violation by Section XI-~~10~~21-~~63.07~~1.01, Administrative Citation Procedure, of this Chapter.

B. Definition of Costs. For the purposes of this Chapter, "costs" shall mean administrative costs, including staff time expended and reasonably related to nuisance abatement cases, for items including, but not limited to, investigation, site inspection and monitoring, testing, reports, telephone contacts, correspondence and meetings with affected parties, as well as all attorneys' fees incurred pursuant to any action, administrative proceeding, or special proceeding to abate the nuisance including, but not limited to, filing fees and fees for witnesses. Pursuant to Government Code Section 38773.5(a), where the City seeks to recover attorneys' fees at the initiation of any action or proceeding, a prevailing opposing party may recover its reasonable attorneys' fees to the extent that the amount of said fees does not exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

C. Cost Accounting and Recovery Required. The City shall maintain records of all costs incurred by responsible City departments associated with the enforcement process pursuant to this Chapter and shall recover the costs from the property owner/occupant as provided by this ~~s~~Section.

D. Notice of Cost Recovery Requirements. The City Manager shall include in the "Notice to Abate" a statement of the intent of the City to charge the property owner/occupant for all costs incurred by the City if the violation is not corrected as required. The notice shall state

that the property owner/occupant will receive at the conclusion of the enforcement case a summary of enforcement costs associated with the processing of the case.

E. Collection of Charges. Such costs shall be recoverable as provided for in Sections XI-10-63.0911(A) through XI-10-63.0911(B), Record of Cost Abatement and Assessment and Lien, of this Chapter.

XI-10-63.1109 - Lien Procedure

A. Record of Cost of Abatement. The City Manager shall keep an account of the costs, as defined in Section XI-10-63.0810(B), Definition of Costs, of this Chapter, for abating such nuisance on each separate lot or parcel of land where the work is done by the City and shall render an itemized report in writing showing the cost of abatement, including the rehabilitation or repair of said property, including any salvage value relating thereto. A copy of the same shall be posted for at least five (5) calendar days upon such property, together with a notice of the right to appeal to the City Manager. A copy of said report and notice shall be served upon the owner/occupants of said property, based on the last equalized assessment roll or the supplemental roll, whichever is more current. If the owner/occupant of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in the county in which the property is located. Proof of said posting and service shall be made by affidavit filed with the City Clerk. The owner/occupant shall have thirty (30) calendar days from the date upon which the notice is served to reimburse the City for its costs or to otherwise make arrangements for repayment as to which the City, in its sole discretion, may agree.

B. Assessment and Lien. The total cost for abating such nuisance, as so confirmed by the City Manager, shall, upon failure to pay the costs as specified in Section XI-10-63.0911(A), Record of Cost Abatement, of this Chapter, constitute a lien or special assessment pursuant to Government Code Sections 38773.1 (nuisance abatement lien), 38773.2 (graffiti nuisance abatement lien) or 38773.5 (special assessment), or 38773.6 (graffiti special assessment) against the respective lot or parcel of land to which it relates. After confirmation and recordation of a Notice of Special Assessment, a certified copy of the City Manager's decision shall be filed with the Santa Clara County Assessor's Office on or before August 1 of each year, whereupon it shall be the duty of said Assessor to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided of ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessments. Upon recordation in the Office of the County Recorder, a Notice of Lien, as so made and confirmed, shall constitute a lien on said property and from the date of recording shall have the force, effect, and priority of a judgment lien.

In the alternative, after such recordation, such lien may be foreclosed by an action brought by the City for a money judgment or by any other means provided by law.

A Notice of Lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN
(Claim of City of Milpitas)

Pursuant to the authority vested by the provisions of Section XI-10-63.03, Declaration of Public Nuisance, of the Milpitas Municipal Code, the City Manager of the City of Milpitas did on or about the _____ day of _____, 20_____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property, pursuant to an order to abate issued by on; and the City Manager of the City of Milpitas did on the _____ day of _____, 20_____, assess the cost of such rehabilitation, repair, demolition, or abatement upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Milpitas does hereby claim a lien on such rehabilitation, repair, or abatement in the amount of said assessment, to wit; the sum of $_____: and the same, shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Milpitas, County of Santa Clara, State of California, owned by and more particularly described as follows (legal description):

(description)

Dated this _____ day of _____, 20_____.

_____
City Manager

In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the amount of the lien, the name of the agency on whose behalf the lien was imposed, the date of the abatement order, the public right-of-way address, legal description, and the name and address of the recorded owner/occupant of the property shall be recorded by the governmental agency. A nuisance abatement and the release of the lien shall be indexed in the grantor-grantee index.

XI-10-63.120 - Interest on Liens

A. Amount of Interest on City Liens and Assessments—Findings. The City Council finds and declares that the establishment of an interest accrual requirement as to unpaid City liens and assessments upon real property which are of record with the County Recorder for Santa Clara County is a necessary and appropriate exercise of the City Council's police power.

B. Accrual of Interest on Liens and Assessments. Unless otherwise prohibited by law or regulation, all liens and assessments which are imposed by the City against any real property located in the City of Milpitas that are recorded on and after the effective date of this regulation shall accrue interest at the rate of eight (8) percent annually until the lien or assessment, including interest thereon, is paid in full.

XI-10-63.131 - Miscellaneous

A. Alternative Actions Available; Violation an Infraction. Nothing in this Chapter shall be deemed to prevent the Council from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law. Violation of the provisions of this Chapter constitutes an infraction, as set forth in Section I-1-4.09 of the Municipal Code. The City Manager is designated as the enforcement authority.

B. Additional Costs of Abatement. The City Council provides that a court may order the owner/occupant of property responsible for a condition that may be abated in accordance with this Chapter to pay three times the costs of abatement pursuant to Government Code 38773.7 upon the entry of a second civil court judgment for violation of this Chapter within a two-year period.

C. Residential Rental Housing. The notice sent to the owner/occupant of residential rental housing pursuant to Section XI-10-63.0~~9~~7(A), Notification of Nuisance, of this Chapter, shall contain the statement required by Health and Safety Code Section 17980 regarding the application of Revenue and Taxation Code Sections 17274 and 24436.5, which allow the Franchise Tax Board to deny state income tax deductions to taxpayers who fail to bring substandard residential rental property into compliance with this Chapter.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE, TITLE XI, CHAPTER 16

Section 14 of Chapter 16 of Title XI of the Milpitas Municipal Code is hereby amended to read as follows:

XI-16-14 - Enforcement and Penalties

(a) Criminal Penalties. Violations of the provisions of this Chapter shall be subject to criminal penalties as provided in Section I-1-4.09-1 of this Code.

(b) Judicial Civil Penalties. Any person who intentionally or negligently violates any provision of this Chapter or any provision of any permit or certificate issued pursuant to this Chapter shall be civilly liable to the city in a sum not to exceed twenty-five thousand dollars per day for each day in which such violation occurs.

(c) Administrative Citations. When the City Manager and/or his or her designee determines that one or more violations of this Chapter have occurred an administrative citation may be issued pursuant to the procedures set forth in Sections ~~V-500-8.00~~I-21-1.01 through ~~V-500-8.06~~I-21-1.14. The schedule of fines for administrative citations issued for violations of this Chapter shall be set forth in the schedule of fines established by resolution of the City Council.

(d) Notice of Noncompliance. If the severity of the violation warrants immediate action, a Notice of Noncompliance or Stop Work Notice shall be issued, permits may be suspended or revoked, Stormwater Pollution Prevention Plans may be found in noncompliance, and corrective actions may be implemented in accordance with Section 11 of this Chapter. For all other cases, including those sites or projects where a stormwater pollution prevention plan is not required, the City Manager or his or her designee shall issue a Notice of Noncompliance that shall enumerate the violations found. The City Manager or his or her designee shall order compliance by a date or hour certain at his or her discretion. If the violations are not abated in the time period identified in the Notice of Noncompliance, the site shall be deemed to be in noncompliance with federal, State and local laws and the City Manager or his or her designee shall have the authority to issue a Stop Work Notice and/or deem the Stormwater Pollution Prevention Plan inadequate. If a Stop Work Notice is issued, corrective actions must be performed until the site has achieved compliance. Corrective actions may include revision and resubmission of any Plan, including, but not limited to, Stormwater Pollution Prevention Plan, Erosion Control Plan or Grading Plan. The City Manager or his or her designee may also require a discharger that has violated any discharge limits contained in this Chapter to install a temporary system for the capture, testing, and release of stormwater.

(e) Suspension of Utility Service. The City may, without prior notice, suspend water service, sanitary sewer service, and/or storm drain discharge access to a person discharging to the storm drain system when such suspension is necessary to stop an actual or threatened discharge which presents, or may present, imminent and substantial danger to the environment or to the health or welfare of persons; or presents, or may present, imminent and substantial danger to the storm drain system.

(f) For construction projects where a total of three or more Stop Work Notices and Notices of Noncompliance for urban runoff violations have been issued, the City Manager or his or her designee may require the contractor to hire a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) within three business days. The QSD/QSP shall establish effective BMPs, provide guidance for improvement for the duration of the project, and certify compliance. A Stop Work Notice shall be issued for failure to comply.

(g) Remedies Cumulative. The remedies provided in this section are cumulative and not exclusive, and shall be in addition to any other penalty provided for in this Chapter and shall be in addition to all other remedies available to the City under State and federal law.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE, TITLE VIII

Section 8.00 of Chapter 6 of Title VIII of the Milpitas Municipal Code is hereby amended to read as follows:

VIII-6-8.00 - Non-Compliance

Any violation of this Chapter shall be subject to the penalties provision set forth in Section I-1-4.09 (Penalty Provision), Sections ~~V-500-8.00~~ I-21-1.01 through I-21-1.14 (Administrative Citation), or any other penalty provisions in the Municipal Code or State law.

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE, TITLE V

This Ordinance will repeal Section V-500-8.00 (Administrative Citation) of the Milpitas Municipal Code.[s1]

~~V-500-8.00 Administrative Citation~~
~~V-500-8.01~~

~~Whenever an enforcement officer charged with the enforcement of any provision of this Chapter determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.~~

~~V-500-8.01-1 Authority to Issue an Administrative Citation~~
~~(a)Continuing Violation that does not create an immediate danger to public health and safety. Where the violation is a Continuing Violation that does not create an immediate danger to public health and safety, the citation shall set forth a reasonable period of time, which shall not be less than 15 days, for the person responsible for the continuing violation to correct or otherwise remedy the violation prior to the imposition of the administrative fine.~~

~~(b)Continuing violation that creates an immediate danger to public health and safety. Where a violation is a Continuing Violation that constitutes an immediate danger to public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the~~

violation, if the violation is not corrected within the two hour time period, the City shall have the option to initiate summary abatement procedures under Section V-500-3.08 or impose the administrative fine and administrative citation provisions under Section V-500-8.00.

(c)Individual Violation that does not create an immediate danger to public health and safety. Where a violation is an Individual Violation that does not create an immediate danger to public health and safety, a written notice to correct the violation shall be issued for the first offense. For second and subsequent violations of the same code provision, the person responsible for the violation shall not have an opportunity to correct or otherwise remedy the violation prior to the administrative fine being imposed. Each person, firm or corporation shall be guilty of a separate offense for each day and everyday during any portion of which any violation of any provision is committed.

(d)Individual Violation that creates an immediate danger to the public health and safety. Where a violation is an Individual Violation that constitutes an immediate danger to the public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two hour time period, the City shall have the option to initiate summary abatement procedures under Section V-500-3.08 or impose the administrative fine and administrative citation provisions under Section V-500-8.00. Each person, firm or corporation shall be guilty of a separate offense for each day and everyday during any portion of which any violation of any provision is committed.

V-500-8.02

Each administrative citation shall contain the following information:

1. The date of the violation;

2. The address or a definite description of the location where the violation occurred;

3. The section of this Chapter violated and a description of the violation;

4. The amount of the fine for the code violation;

5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

6. An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;

7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and

8. The name and signature of the citing enforcement officer.

V-500-8.03 Amount of Fines

(a)The amounts of the fines for code violations imposed pursuant to this Chapter shall be set forth in the schedule of fines established by resolution of the City Council.

(b)The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person within twelve months from the date of an administrative citation.

(c)The schedule of fines shall specify the amount of any late payment charge imposed for the payment of a fine after its due date.

~~V-500-8.04 – Payment of the Fine~~

~~(a)The fine shall be paid to the City within thirty days from the date of the administrative citation.~~

~~(b)Any administrative citation fine paid pursuant to Section V-500-8.04(a) shall be refunded, with interest, if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.~~

~~(c)Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.~~

~~V-500-8.05 – Hearing Request~~

~~(a)Any recipient of an administrative citation may contest that there was a violation of the Code or that he or she is the responsible party by completing a request for hearing form and returning it to the City within fifteen (15) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed.~~

~~(b)A request for hearing form may be obtained from the City Clerk.~~

~~(c)The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.~~

~~(d)If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.~~

~~V-500-8.06 – Advance Deposit Hardship Waiver~~

Any person who intends to request a hearing to contest that there was a violation of the Code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in Section V-500-8.05 may file a request for an advance deposit hardship waiver at the time of filing the hearing request.

SECTION 6. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 7. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

List of Attachments for Public Hearing No. 2

– The District

Attachments:

02-A	Resolution – Adopt Transit Area Specific Plan (TASP) Environment Impact Report (EIR) Addendum
02-B	Resolution – Approve General Plan and Specific Plan Amendments
02-C	Resolution – Approve Vesting Tentative Maps, Site Development Permit, and Use Permit
02-D	Ordinance No. 38.824
02-E	Planning Commission Resolution No. 15-035
02-F	Planning Commission Resolution No. 15-036
02-G	Planning Commission Staff Report – October 28, 2015
02-H	Addendum to Transit Area Specific Plan (TASP) Environment Impact Report (EIR) – *separate bound booklet*
02-I	The District - Centre Pointe and Houret Development Project Plans – *separate bound items*

RESOLUTION NO. _____ 2A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING AN ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2006032091) IN SUPPORT OF THE CENTRE POINTE AND HOURET COURT PROJECT LOCATED AT 1310-1360, 1400-1460 AND 1415-1475 MCCANDLESS DRIVE, 1463, 1501, 1507, 1515, 1536-1567, AND 1577-1601 CENTRE POINTE DRIVE, AND 231, 247-269, 274 AND 1757 HOURET COURT

WHEREAS, on June 3, 2008, by adoption of Resolution No. 7759, the City Council of the City of Milpitas certified the Environmental Impact Report (State Clearinghouse No. 2006032091) (the "EIR"), which disclosed and evaluated environmental impacts associated with, among other things, the adoption of the Transit Area Specific Plan (the "TASP"), which encompasses some 437 acres and plans for the development of 7,109 dwelling units, 340 hotel rooms, 287,075 square feet of retail space, and 993,843 square feet of office space and industrial uses. The EIR concluded that the TASP was self-mitigating, and thus no additional mitigation measures were required. The TASP includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the TASP also established subdistricts with specific goals and policies to accommodate those unique characteristics, among other things; and

WHEREAS, on June 3, 2008, by passage of Resolution No. 7760, the City Council adopted certain amendments to the Milpitas 1994 General Plan, as updated in January 2002, and also adopted the TASP; and

WHEREAS, in 2010, the City Council approved an application submitted by Integral Communities for a project within the TASP. Specifically, Integral Communities was granted a tentative map and conditional use permit to construct eight high-density residential buildings along McCandless Drive with significant retail and commercial space in the first two buildings along Great Mall Parkway. The project included a maximum of 1,328 dwelling units and 75,000 square feet of retail/commercial space. The project also included an Owner Participation Agreement ("OPA") that the City Council approved on August 3, 2010 (collectively, the "2010 entitlements"); and

WHEREAS, on March 20, 2012, the City Council approved amendments to the 2010 entitlements to replace four of the eight buildings along McCandless Drive with a 200-unit townhouse project. The 2012 amendments included a Site Development Permit (SD11-0001) to review the architecture of the buildings, Conditional Use Permit (UP11-0037) to allow a grocery store on Lot 1, and a Major Tentative Map (MT11-0002) for 27 townhouse building lots and associated common areas. The approved changes resulted in a net decrease of 226 dwelling units from District 2, and a net increase of 6,000 square feet of ground floor retail for Lots 2 and 4 (collectively, the "2012 entitlements"); and

WHEREAS, on June 16, 2015, Lyon Communities submitted an application to the City for the following entitlements:

(1) General Plan Amendment and Transit Area Specific Plan Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR) for a portion of Centre Pointe B;

(2) a Zoning Map Amendment to change the City's Zoning Map from MXD2 to R3 for a portion of Centre Pointe B and a corresponding TASP Zoning District Map (Fig 5-21) amendment to change the zoning district designation on the same 3-acre portion of the Centre Pointe B subarea site from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay);

(3) an amendment to the previously approved District One, Lots 2, 3 and 4 Site Development Permit SD11-0001 and Conditional Use Permit UP11-0037, both to eliminate Lot 3 from the District 1 project and replace the two mixed use buildings on Lots 2 and 4 (totaling 392 dwelling units and 6,000 square feet of commercial retail) with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on Lot 2; and

(4) A Site Development Permit, Major Vesting Tentative Maps, and a Conditional Use Permit to allow for the development of a 175 room hotel, a 423 dwelling unit building with 56,982 square feet of retail space and 355 for sale residential units with associated site improvements on 26.65 acres on Centre Pointe Drive and Houret Court parcels (APNs: 086-33-093, 086-33-101, 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-41-034, 086-41-033, 086-41-032, 086-41-009) located within the TASP area, and, more particularly, within the McCandless/Centre Pointe and Montague Corridor sub-districts of the TASP area (collectively, the "Centre Pointe and Houret Court Project" or "the Project"); and

WHEREAS, in order to evaluate the Centre Pointe and Houret Court Project pursuant to the California Environmental Quality Act (Public Resource Code § 21000, *et seq.*, "CEQA") and Title 14 of the California Code of Regulations § 15000, *et seq.* (the "State CEQA Guidelines"), the City caused to be prepared an addendum to the EIR prepared for the TASP; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, staff evaluated the Centre Pointe and Houret Court Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162 by preparing an Initial Study and accompanying technical letters; and

WHEREAS, based on that evaluation, staff concluded that the environmental impacts from the Centre Pointe and Houret Court Project were already reviewed and analyzed in the previously certified EIR prepared for the TASP and no further mitigation is required other than that detailed in the TASP EIR, and therefore, no subsequent EIR or supplemental EIR is required consistent with State CEQA Guidelines 15162, 15163, and 15164; and

WHEREAS, based on that evaluation, staff also concluded that the Centre Pointe and Houret Court Project is consistent with the goals, policies, objectives and regulations of the City's General Plan, Municipal Code, the Environmental Public Record, and all applicable mitigation measures identified in the Environmental Public Record; and

WHEREAS, because the Centre Pointe and Houret Court Project requires the City to make some minor changes and additions to the EIR, the City has prepared an addendum to the EIR pursuant to State CEQA Guidelines section 15164 (the "Centre Pointe and Houret Court Project Addendum"); and

WHEREAS, on October 28, 2015, the Planning Commission reviewed the Centre Pointe and Houret Court Project Addendum in connection with the EIR; and

WHEREAS, the Environmental Public Record is incorporated herein by this reference, and is available for inspection at City Hall at the Planning Department; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the Centre Pointe and Houret Court Project Addendum is not required to be circulated for public review, but can be attached to the EIR; and

WHEREAS, notice of the October 28, 2015, public hearing before the Planning Commission for its review and consideration of a recommendation to the City Council as to approval of the Centre Pointe and Houret Court Project Addendum and the Centre Pointe and Houret Court Project was provided in accordance with applicable law; and

WHEREAS, at its October 28, 2015, public hearing on the Centre Pointe and Houret Court Project Addendum and the Centre Pointe and Houret Court Project, the Planning Commission considered the Centre Pointe and Houret Court Project Addendum together with the EIR, and accepted oral and written testimony from interested persons; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the Centre Pointe and Houret Court Project, including the staff report, the Centre Pointe and Houret Court Project Addendum together with the Environmental Public Record, and all of the information, evidence, and testimony presented at its public hearing, and recommended adoption of both the Addendum and all components of the Project to the City Council; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or

provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Compliance with CEQA. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the Environmental Public Record and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the proposed Centre Pointe and Houret Court Project. The City Council further finds that the Centre Pointe and Houret Court Project Addendum and administrative record have been completed in compliance with CEQA and the State CEQA Guidelines. The City Council further finds and determines that the Centre Pointe and Houret Court Project Addendum reflects the City's independent judgment.

SECTION 3. Findings Regarding Environmental Impacts Based on the substantial evidence set forth in the record, including but not limited to the Environmental Public Record and the Centre Pointe and Houret Court Project Addendum, the City Council finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the Centre Pointe and Houret Court Project. The City Council further finds that based on the whole record before it, including but not limited to the Initial Study, the technical letters, and the staff report, none of the conditions under State CEQA Guidelines section 15162 requiring subsequent environmental review have occurred because the modifications specified in the Centre Pointe and Houret Court Project Addendum:

a) do not constitute substantial changes that would require major revisions of the Environmental Public Record due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

   The Centre Pointe and Houret Court Project consists of a total of 1,166 dwelling units (multi-family, townhouse, and loft products), 83,842 square feet of retail and commercial space, a 175 room hotel, and associated landscaping and improvements associated therewith. These uses and improvements are consistent with those envisioned in the TASP, which would allow for a maximum of 1,809 dwelling units and 92,316 square feet of ground floor retail within those portions of the TASP occupied by the Centre Pointe and Houret Court Project. The TASP also encouraged the development of a hotel use within its borders.

   The Centre Pointe and Houret Court Project Addendum examined all the potential impacts of the Centre Pointe and Houret Court Project, including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

   Based on the analysis contained in the Centre Pointe and Houret Court Project Addendum, the changes proposed by the Centre Pointe and Houret Court Project have been evaluated against the analysis of environmental impacts in the Environmental Public Record to ensure the Centre Pointe and Houret Court Project will not result in any new significant impacts or substantially increase the severity of any previously analyzed impacts. The analysis in the Centre Pointe and Houret Court Project Addendum for the Centre Pointe and Houret Court Project concludes that the proposed changes would not create any new significant impacts, or impacts that are significantly different than those identified in the Environmental Public Record.

b) do not constitute substantial changes with respect to the circumstances under which the Centre Pointe and Houret Court Project is developed that would require major revisions of the Environmental Public Record due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

   Conditions remain similar to those under which the prior environmental documents were prepared. No new development has occurred in the vicinity of the Centre Pointe and Houret Court Project that would warrant major revisions to the Environmental Public Record.

c) do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Public Record documents were certified or

adopted, as applicable, showing any of the following: (i) that the modifications would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

Those impacts which were identified in the Environmental Public Record as significant and unavoidable remain significant and unavoidable. However, the proposed Centre Pointe and Houret Court Project would not add to or further exacerbate those previously identified significant impacts. No new mitigation measures are required to mitigate environmental impacts associated with the Centre Pointe and Houret Court Project. Therefore, the Centre Pointe and Houret Court Project Addendum supports the City's consideration of the Centre Pointe and Houret Court Project, as outlined in the State CEQA Guidelines Section 15162 and 15164.

SECTION 4. Adoption of the Centre Pointe and Houret Court Project Addendum. The City Council hereby adopts the Centre Pointe and Houret Court Project Addendum to the EIR prepared for the TASP, a true and correct copy of which is attached hereto as **Exhibit A**.

SECTION 5. Notice of Determination. The City Council directs staff to prepare, execute and file a CEQA Notice of Determination with the Santa Clara County Clerk's Office within five (5) working days of the City Council's action on the Centre Pointe and Houret Court Project.

SECTION 6. Custodian of Records and Location of Documents. The Environmental Public Record and the Centre Pointe and Houret Court Project Addendum are on file and available for public review at the City of Milpitas Planning Division located at 455 East Calaveras Boulevard, Milpitas, CA 95035. The Interim Planning Director of the Planning Department is the custodian of these documents.

PASSED AND ADOPTED this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

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ROCKLIN
SAN LUIS OBISPO

M E M O R A N D U M

DATE: October 22, 2015

TO: Bill Ekern, Interim Director, City of Milpitas

FROM: Judith H. Malamut, AICP, Principal; Sally Maxwell, Associate/Project Manager; and Nicole Catalano, Planner

SUBJECT: California Environmental Quality Act (CEQA) TASP FEIR Addendum for The District at Milpitas Project, Milpitas, California

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Milpitas, is an Addendum to the Milpitas Transit Area Specific Plan Project Final Environmental Impact Report[1] (TASP FEIR), which was certified by the City of Milpitas (City) in May 2008. The TASP FEIR consists of the Draft EIR and the Final Environmental Impact Report (Response to Comments Document). This Addendum evaluates the project-specific environmental impacts related to The District at Milpitas project (proposed project or project), which is located in the southwest region of Milpitas. The City of Milpitas is the Lead Agency under CEQA.

The District at Milpitas project site is 26.7 acres in size and is located in the eastern portion of the TASP Area in Milpitas. The site is bounded by the Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the south and a rail corridor to the west. The proposed project would involve the demolition of all existing structures and associated pavements on the site, grading and construction of 1,167 residential units, 83,842 square feet of ground floor retail, one hotel with 175 rooms, and associated landscaping and parking.

This Addendum is prepared pursuant to CEQA Guidelines Section 15164 which states: "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 specifies that "no subsequent EIR shall be prepared for that project unless the lead agency determines … one or more of the following":

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

[1] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report.* May.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA Guidelines Section 15164(e), this Addendum summarizes The District at Milpitas project, the less-than-significant impacts associated with the project, and the reasons for the City's conclusion that changes to the proposed project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a Subsequent EIR. This memorandum and attachments provide a description of The District at Milpitas Project (project) and substantial evidence to confirm that the potential project was included and the potential impacts were identified, evaluated, and mitigated as part of the TASP FEIR, per CEQA Guidelines Section 15164, and that no further CEQA review is required.

Attachment A provides a basic overview of The District project, including contact information for the applicant and lead agency.

Attachment B provides a complete project description of the project, location, existing site characteristics, proposed development, and required approvals and entitlements.

Attachment C provides the environmental checklist prepared for the project. Responses prepared for each CEQA topic demonstrate that the project was considered within the scope of the evaluation for the TASP FEIR and no new impacts are identified, no impacts are more severe, no new mitigation measures are required, and no substantial changes to the environmental circumstances have occurred leading to new or more severe previously identified impacts.

Attachment D provides the City's Development Checklist (Appendix C) that determines the measures that the proposed project would implement to demonstrate consistency with the City's Climate Action Plan.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the TASP FEIR, certified in May 2008, which is hereby incorporated by reference.

ATTACHMENT A
PROJECT INFORMATION

A. PROJECT TITLE

The District at Milpitas

B. PROJECT LOCATION

The proposed project is located on an approximately 27-acre site located in the southwestern portion of the City of Milpitas. The irregularly-shaped project area is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad alignment to the west. The project site encompasses the following addresses: 1463, 1515, 1557 and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive.

C. PROJECT SPONSOR'S NAME AND ADDRESS

Peter Zak, Lyon Communities
4901 Birch Street
Newport Beach, CA 92660
Phone: 949-633-7383

D. LEAD AGENCY CONTACT

Bill Ekern, Interim Director
City of Milpitas
Planning & Neighborhood Services Department
455 East Calaveras Boulevard
Milpitas, California 95035
Phone: 408-586-3274
Email: bekern@ci.milpitas.ca.gov

E. SUBJECT SITE ASSESSOR'S PARCEL NUMBERS

Assessor's Parcel Numbers [APN] for the project site are: 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-33-093, 086-33-101 and 086-41-009, 086-41-032, 086-41-033, 086-41-034

F. GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

General Plan Land Use:

- Boulevard Very High Density Mixed Use,
- Residential Retail High Density Mixed Use
- Multi-Family Residential Very High Density

Zoning:

- Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
- Mixed Use – Boulevard (MXD3)
- Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
- Multiple Family – High Density with TOD Overlay (R3-TOD)

G. HABITAT CONSERVATION

No habitat conservation plans or natural community conservation plans are located within the TASP Area, including the project site.

ATTACHMENT B
PROJECT DESCRIPTION

The following describes The District at Milpitas (project). This section includes a description that focuses on the minor modifications proposed for The District from what was included and approved in the certified Milpitas Transit Area Specific Plan Project Final Environmental Impact Report[1] (TASP FEIR). This section includes a summary description of the TASP, The District's location and existing site characteristics, the minor modifications, required approvals, and entitlements. The City of Milpitas (City) is the CEQA lead agency for the project.

A. MILPITAS TRANSIT AREA SPECIFIC PLAN

In 2008, the City of Milpitas adopted the Milpitas Transit Area Specific Plan[2] (TASP) as a guide for development and redevelopment of its light industrial corridor near the future Bay Area Rapid Transit (BART) and current Valley Transportation Authority (VTA) station. The goals of the TASP are to create an attractive and livable neighborhood within walking distance of the future Milpitas BART and VTA light rail transit stations and to transform the older, light industrial area into a residential and commercial area that would meet demand for housing, offices, and shopping in the Bay Area. Milpitas designated the TASP to accommodate substantial growth, minimize impacts on local roadways, and reduce urban sprawl at the periphery of the region.

The TASP FEIR, certified in 2008, evaluated environmental impacts associated with implementation of the TASP. The TASP FEIR evaluates the environmental impacts of approximately: (1) 7,100 units of residential development; (2) 18,000 new residents; (3) 4,200 new jobs; and (4) development of one million square feet of office space; 285,000 square feet of retail space; and 175,000 square feet of hotels.

The TASP identifies subdistricts within the planning area, each having their own policies related to street design, land use, building height, setbacks, parks and building design. The project site is located within two subdistricts of the TASP: McCandless/Centre Pointe and Montague Corridor. The TASP FEIR evaluated potential development within The District area of approximately 1,633 dwelling units and 93,690 square feet of ground floor retail. The proposed minor modifications to the proposed project would allow a total of 1,169 dwelling units (464 fewer units), 83,842 square feet of ground floor retail (a difference of 9,848 square feet), and one hotel with 175 rooms.

[1] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report.* May.

[2] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan.* June. Amended December 2011.

B. PROJECT SITE

1. Location

As noted above, the proposed (project or proposed project) is entirely included within the TASP planning area. The proposed project area encompasses 26.57 acres in the southwestern portion of the City of Milpitas at the following addresses: 1463, 1515, 1557, and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive. Land uses that generally border the irregularly-shaped project site include Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad corridor to the west. Figure 1 shows the site's regional and local context.

Regional vehicular access to the project site is provided by Interstate 80 (I-80) located to the west and by Interstate 680 (I-680) located to the east of the site. The future BART Milpitas station is currently under construction and will be co-located with the Montague Valley Transportation Authority (VTA) light rail station, less than 0.25 miles from the southeast boundary of the project site.

2. Site Characteristics and Current Site Conditions

The project site is generally level and includes several parcels as noted in Section 2.5 in Project Information section, above. Existing land uses on the project site include R&D light industrial and commercial office uses. The majority of the project site is covered with impervious surfaces, consisting of buildings and paved parking lots, driveways, and walkways. The site contains existing vegetation, as shown in Figure 2. Mature street trees and landscaped areas border the site on the north near the Great Mall Parkway and on the east near Montague Expressway. A vegetated channel of Penitencia Creek runs through the project site. A high-pressure gas transmission line is located south of the Penitencia Creek channel.

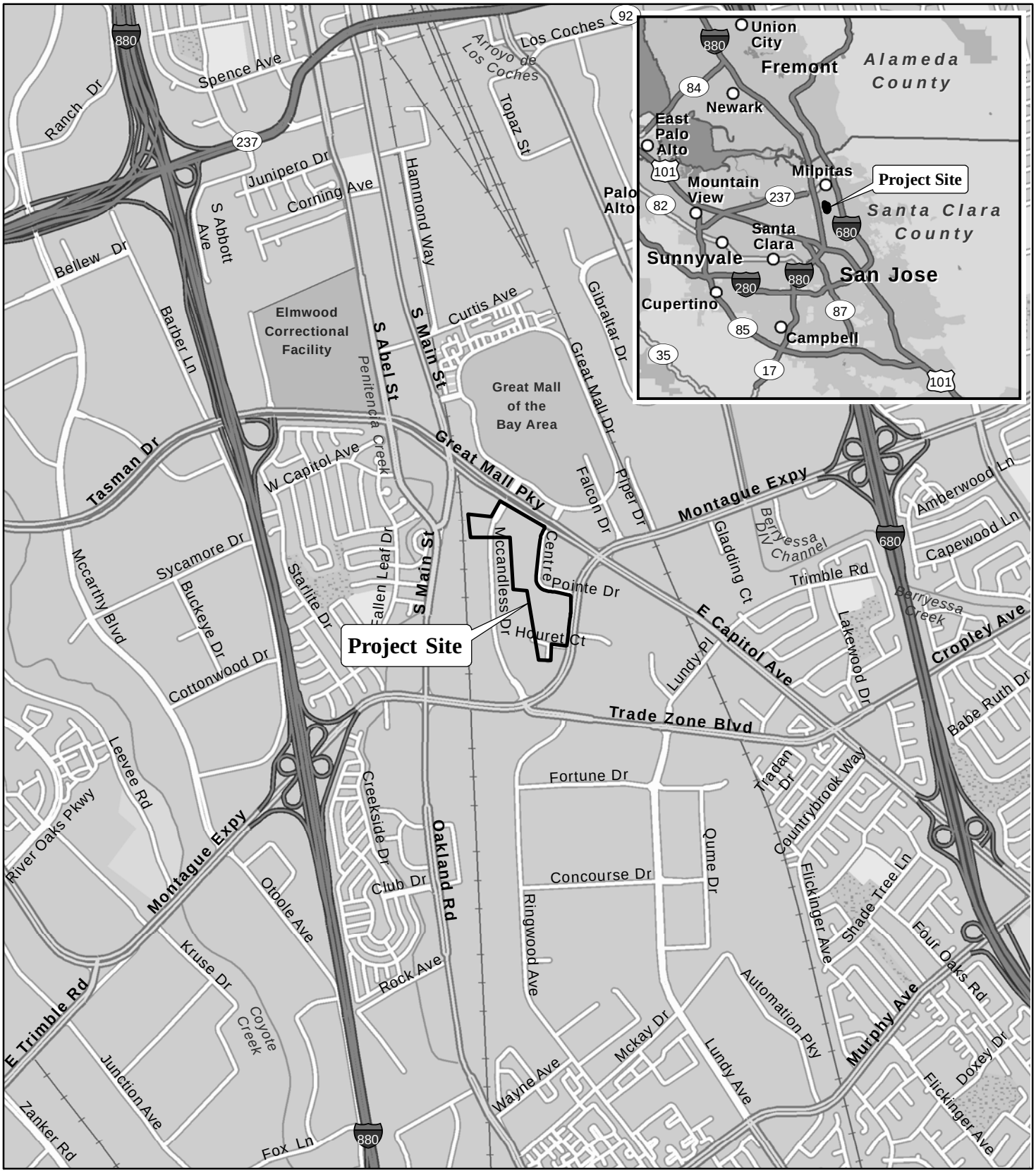
3. Existing General Plan and Zoning

The project site is currently designated in the General Plan as:

- Boulevard Very High Density Mixed Use
- Residential Retail High Density Mixed Use
- Multi-Family Residential Very High Density

The entire project site is within the TASP planning area boundaries, and the TASP zoning district designations for the project area are:

- Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
- Mixed Use – Boulevard (MXD3)
- Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
- Multiple Family – High Density with TOD Overlay (R3-TOD)



LSA

FIGURE 1

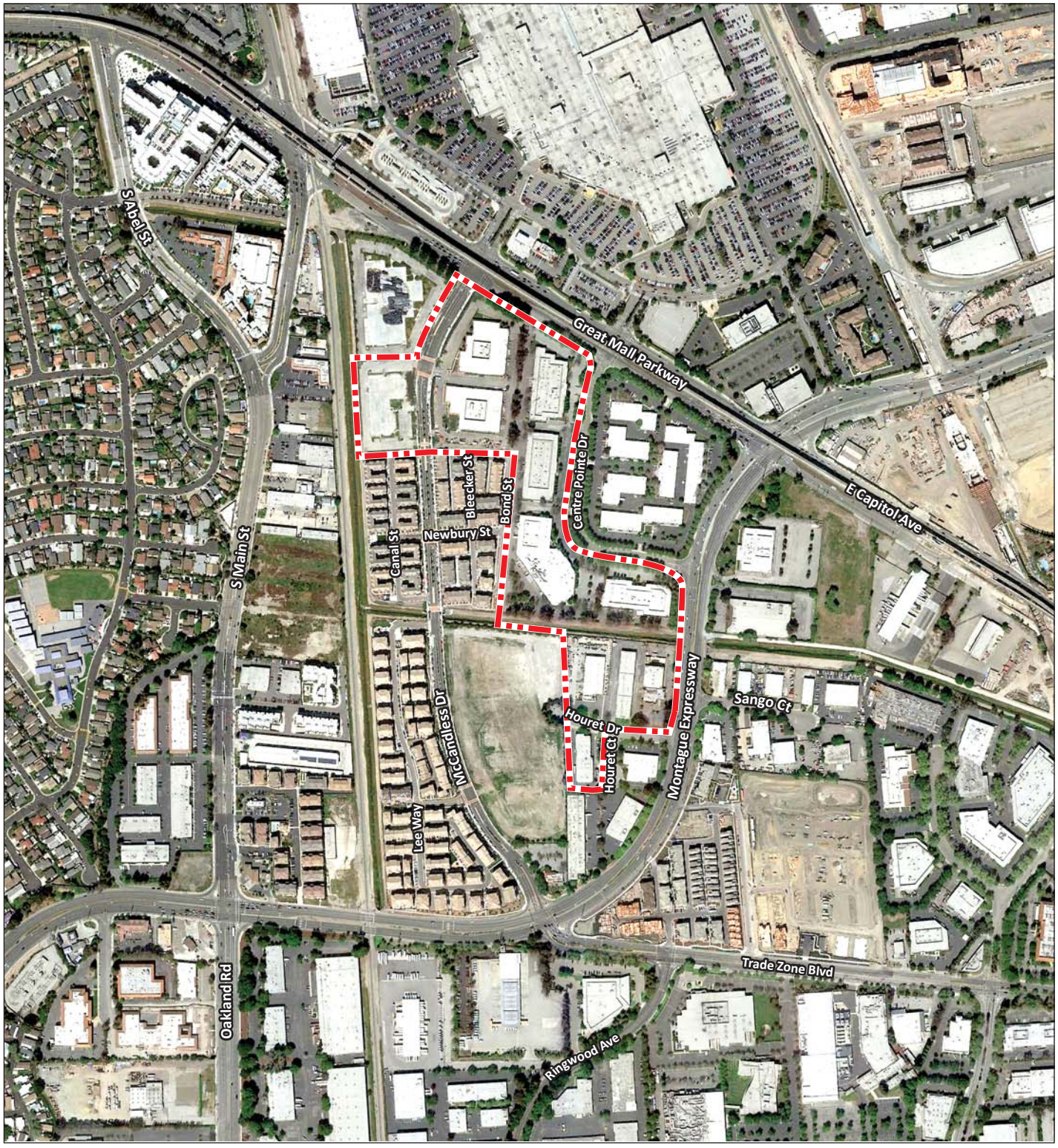
0 1000 2000
FEET

The District at Milpitas Project

Project Location and Regional Vicinity Map

SOURCE: ESRI STREETMAP NORTH AMERICA, 2012.

I:\MLP1503 The District\figures\Fig_1.ai (9/10/15)



LSA

FIGURE 2

N

Project Site

0 325 650
FEET

SOURCES: GOOGLE EARTH, MARCH 2015; LSA ASSOCIATES, INC., 2015.

I:\MLP1503 The District\figures\Fig_2.ai (9/10/15)

The District at Milpitas Project

Aerial Photograph of Project Location

4. Surrounding Land Uses

The project site is located within the light industrial land-use corridor of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial uses. New residential units as part of the TASP have been constructed adjacent to the project site. The project site is in proximity to the Great Mall shopping center in Milpitas, located approximately 0.25 miles north of the project site.

C. PROPOSED PROJECT

The applicant (Lyon Communities) is proposing to develop The District as a master planned project with a mix of retail, hotel, multi-family, and high-density for sale units organized in seven planning areas as shown in Figure 3: District Lot 2, District Lot 4, District Lot 3/Centre Point Site A, Centre Pointe Site B, Centre Pointe Site C, Houret 1, and Houret 2. An overall site plan for The District is shown in Figure 4. As noted previously, the applicant is proposing some minor modifications to the general plan designations and land uses proposed for The District from what was included and approved in the certified TASP FEIR. These minor modifications are discussed below.

1. Project Characteristics

The TASP FEIR evaluated the environmental impacts associated with implementation of the entire TASP of which The District is a part. Table 1 shows the housing units and population assumptions evaluated within the TASP FEIR, the number of approved units, and under construction units. As shown, the development associated with the proposed minor modifications to the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR, and the proposed modifications to the proposed project are no greater overall than the amount of development evaluated and approved within the TASP FEIR. The TASP FEIR evaluated potential development within The District of approximately 1,633 dwelling units and 93,690 square feet of ground floor retail. The project proposes a total of 1,169 dwelling units, 83,842 square feet of retail, and one hotel with 175 rooms.

Table 1: Existing and Proposed Housing Units and Population within the TASP Area

	Evaluated Within The TASP FEIR	Approved and Not Yet Under Construction	Approved and Under Construction	2015 The District Project	Remaining Development Available
Housing Units	7,109 [a]	2,122	1,548	1,169	2,270
Population	17,915 [a]	5,348 [b]	3,901 [b]	2,941 [b]	5,725

[a] Milpitas, City of. 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report* .May.
[b] Estimated population associated with approved units, under construction units, and the TASP was determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents/7,109 units = 2.52 residents per unit).
Source: LSA Associates, Inc., 2015.

Table 2 shows the proposed development within each of The District planning areas. Growth associated with The District would consist of approximately 66,421 square feet of general retail, two "neighborhood serving" retail areas of approximately 17,421 square feet, a 175-room hotel, and approximately 1,169 high-density multi-family units, a portion of which are for sale. Additional

information on The District can be found in the project files at the Milpitas Planning and Neighborhood Services Department, 455 East Calaveras Boulevard, Milpitas, CA 95035.

The applicant for The District proposes changes to the General Plan and TASP land-use and zoning designations for Centre Pointe Site B. These changes would include a General Plan Amendment, a TASP Amendment, and a Rezone for portions of Centre Pointe Site B, specifically for parcels APN 86-33-087 and APN 86-33-086. These Amendments would change the existing Residential Retail High Density Mixed Use (RRMU) land-use designations on Centre Pointe Site B to High Density Transit Oriented Residential (HDTOR). These changes would be made to both the General Plan Land Use Map and the TASP Land Use Map. In addition, the project would include an amendment to the TASP Zoning District Map Figure 5-21 to change the TASP zoning designation for portions of Centre Pointe Site B from Mixed Use High Density with Retail Transit Oriented Development (MXD2-TOD) to Multiple Family High Density Transit Oriented Development (R3-TOD). Figure 5 and Figure 6 illustrate the existing and proposed changes to Centre Pointe Site B associated with the project.

Table 2: Proposed Modifications to The District at Milpitas Project Summary

Planning Area	Acreage	Building Density, Height, Retail
District Lot 2	2.585 acres	• 218 du (84.3 du/ac) • 3,480 sq. ft. ground floor retail • 5 stories
District Lot 4	3.125 acres	• 173 du (55.4 du/ac) • 13,941 sq. ft. ground floor retail • 5 stories
District Lot 3/Centre Pointe Site A	4.470 acres	• 175 room hotel w/ground floor retail (7,286 sq. ft.) • 9-story hotel • 59,135 sq. ft. retail • 423 du (94.6 du/ac) • 4-9 floors rental above ground floor retail • 10 floor rental
Centre Pointe Site B	4.685 acres	• 105 du (22.4 du/ac) • 3- and 4-story for sale units • Loft Split, 4 stories • Split Loft
Centre Pointe Site C	5.95 acres	• 136 du (22.85 du/ac) • 3- and 4-story for sale units • Loft Split, 4 stories • Split Loft
Houret 1	4.27 acres	• 83 du (19.43 du/ac) • 3- and 4-story for sale units
Houret 2	1.03 acres	• 31 du (27.18 du/ac) • 3 stories
Total	26.115 acres	• Multi-Family: 814 units (mapped as condos, but operated for rent) • For Sale: 352 du • **Total du: 1,169** • **Retail: 83,842 sq. ft.** • **Hotel rooms: 175 rooms**

Notes:
ac = acre
du = dwelling units
sq. ft. = square feet

Source: Lyon Communities, 2015.

LSA

FIGURE 3

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NOT TO SCALE

The District at Milpitas Project

Site Map

SOURCE: URBAN ARENA, JUNE 2015.

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FIGURE 4

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FEET

SOURCE: URBAN ARENA, OCTOBER 8, 2015.

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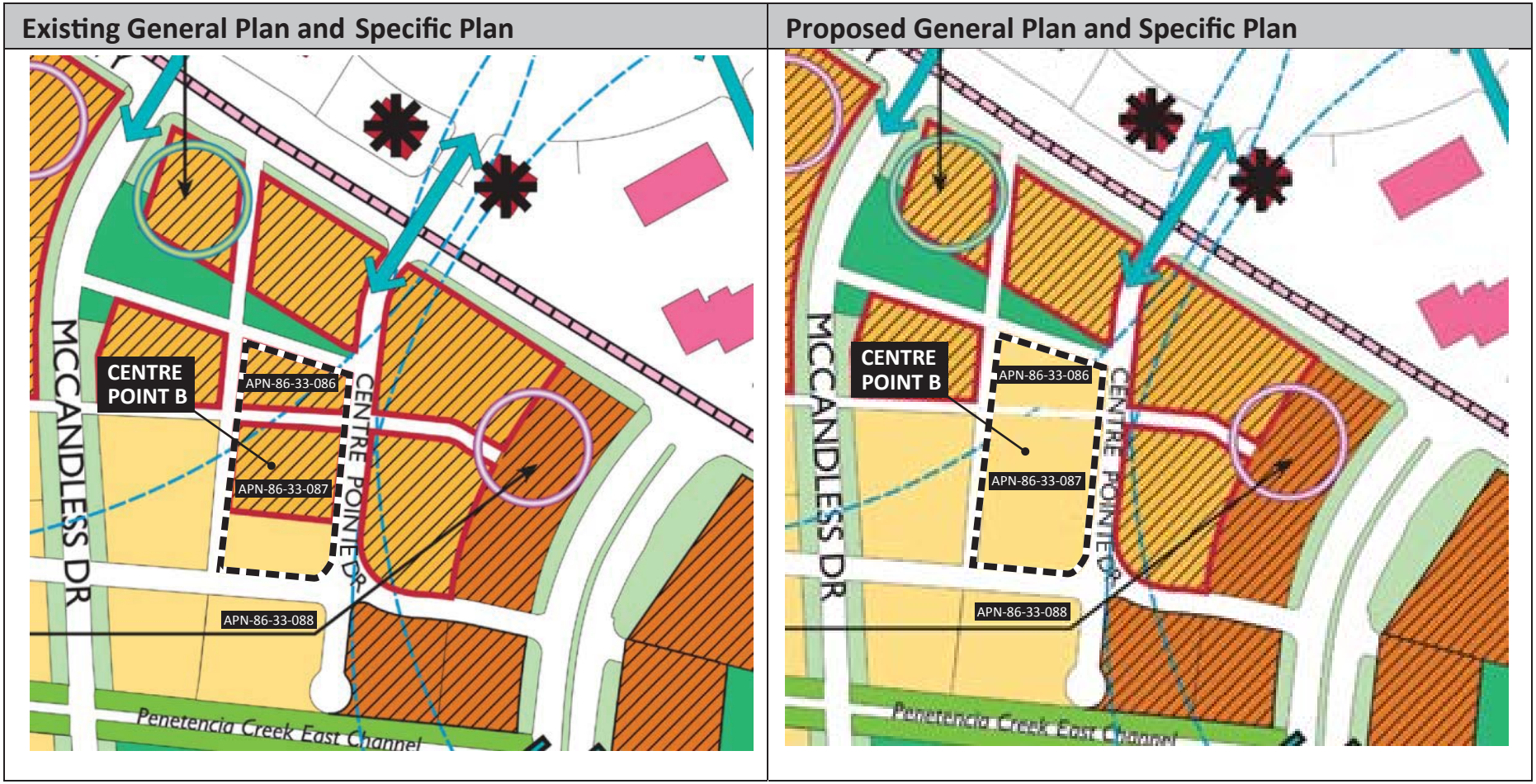
The District at Milpitas Project

Overall Site Plan



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- Residential-Retail High Density Mixed-Use
- Very High Density Transit-Oriented Residential
- High Density Transit-Oriented Residential
- Retail Transit-Oriented
- Density Bonus
- Parks/Plazas/Community Facilities
- Linear Parks & Trails
- Landscaped Front Yards & Buffers
- Centre Point B
- VTA Light Rail Transit
- Pedestrian Connection
- Potential Hotel Sites
- Potential Grocery Store Site

SOURCE: URBAN ARENA, JUNE 2015.

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FIGURE 5

The District at Milpitas Project

Existing and Proposed General Plan Land Use and TASP Designations for Centre Pointe Site B

LSA

Multi-Family Residential, High Density (R3)
Mixed-Use, High Density (MXD2)
Mixed-Use, Very High Density (MXD3)
General Commercial (C2)
Park and Open Space (POS)
Centre Point B

FIGURE 6

Not To Scale

SOURCE: URBAN ARENA, JUNE 2015.

The District at Milpitas Project
Existing and Proposed Zoning for
Centre Point Site B

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Table 3 describes the existing and proposed General Plan Land Use, TASP Land Use, and TASP Zoning Districts designations for The District planning areas.

Table 4 describes, by planning area, the existing and proposed TASP land-use and zoning designations, and the proposed changes to The District.

TASP Policy 3.8 allows deviations in density and intensity for certain portions of the overall project, provided that the overall project density is within the density range. With the proposed changes, The District as a whole would result in a reduction of densities, heights, retail square feet, and the number of dwelling units compared to the development projections for The District evaluated in the TASP FEIR. The TASP FEIR evaluated potential development within The District of approximately 1,633 dwelling units and 93,690 square feet of retail. The project proposes a total of 1,169 dwelling units, 83,842 square feet of retail, and one hotel with 175 rooms. The project would include building heights that are mostly in the range of 3 to 10 stories as opposed to the 12-story maximum analyzed in the TASP. The proposed changes to The District are consistent with TASP Policy 3.8.

Overall, The District would include 464 fewer dwelling units, 9,848 fewer square feet of retail, and a new hotel with 175 rooms. District Lot 4, CentrePointe Site C, Houret 1, and Houret 2 would have fewer dwelling units than analyzed for the TASP while District Lot 2, District Lot 4, and Centre Pointe Site B would have less retail than analyzed for the TASP.

While there would be a decrease in building density and intensity for The District overall, there would be increased density and intensity for two project areas: Lot 2 and Lot 3/Centre Pointe Site A. The TASP FEIR assumed a maximum number of 155 dwelling units for District Lot 2 whereas the project proposes 218 dwelling units. The TASP assumed a maximum total of 263 dwelling units for District Lot 3/Centre Pointe Site A and 22,714 square feet of retail, whereas the project proposes 423 dwelling units, 59,135 square feet of retail, and a 9-story, 175-room hotel. The TASP FEIR evaluated a hotel in the TASP study area adjacent to the project site on Lot 1, and the project proposed and approved for Lot 1 no longer includes a hotel.

Table 3: The District – Existing and 2015 Proposed Land Use Designations and Zoning Districts

Planning Area	Existing General Plan Land Use Designation [a]	2015 Proposed General Plan Land Use Designation	Existing TASP Land Use Designation [b]	2015 Proposed TASP Land Use Designation	Existing TASP Zoning District Designation [c]	2015 Proposed TASP Zoning District Designation
District Lot 2	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD	No Change
District Lot 4	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
District Lot 3/ Centre Pointe Site A	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
Centre Pointe Site B APN 86-33-086 (0.625 acres) and all of 86-33-087	Residential Retail High Density Mixed Use (RRMU)	High Density Transit Oriented Residential (HDTOR)	Residential -Retail High Density Mixed Use for	High Density Transit Oriented Residential (HDTOR)	Mixed Use High Density with Retail (MXD2 –TOD)	Multiple Family-High Density (R3 -TOD)
Centre Pointe Site B APN 86-33-088	High Density Transit Oriented Residential (HDTOR)	No change	High Density Transit Oriented Residential (HDTOR)	No change	Multi-family Residential, High Density (R3-TOD)	No change
Centre Pointe Site C	Boulevard Very High Density Mixed Use (BVMU); Multi-family Residential High Density (MFHD)	No change	Boulevard Very High Density Mixed Use (BVMU); High Density Transit Oriented Residential (HDTOR)	No Change	Mixed Use Boulevard (MXD3-TOD); Multiple Family-High Density (R3 -TOD)	No Change
Houret Lot 1	Boulevard very High Density Mixed Use (BVMU)	No change	Boulevard Very High Density Mixed Use (BVMU)	No Change	Mixed Use Boulevard (MXD3) No TOD	No Change
Houret Lot 2	Boulevard very High Density Mixed Use (BVMU)	No change	Boulevard Very High Density Mixed Use (BVMU)	No Change	Mixed Use Boulevard NO TOD	No Change

[a] Milpitas, City of, 2012. *Milpitas General Plan*. General Plan Land Use Map. Figure 2-1. October.
[b] Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*, Figure 3-1, June, (amended December 2011).
[c] Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*, Figure 5-21, June, (amended December 2011).

Source: LSA Associates, Inc., 2015.

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
LOT 2: 2.585 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No Change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	218 du (84.3 du/ac)	Increased Density • Density > 60 du/ac • 155 units permitted at max • 63 units more than what was evaluated at maximum
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	5 stories	Decreased Heights • Heights <6-12
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	3,480 sq. ft. ground floor retail	Decreased Retail • 16,000 sq. ft. evaluated in TASP • 12,520 sq. ft. less than what was evaluated
LOT 4: 3.125 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	173 du (55.4 du/ac)	Decreased Density • Density <60 du/ac • 187 units permitted at max • 14 units fewer than evaluated in TASP
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	5 stories	Decreased Heights • Heights < 6-12 stories
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	13,941 sq. ft. ground floor retail	Decreased Retail • 19,375 sq. ft. evaluated in TASP • 5,434 sq. ft. less than evaluated in TASP

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
LOT 3 / CENTRE POINTE SITE A: 4.47 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	175 rooms (hotel) 423 du (94.6 du/acre)	Increased density • Density > 60 du/ac • 263 units permitted at max • 160 units more than evaluated in TASP
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	4 to 10 stories	Decreased heights • Heights < 12 stories
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	59,135 sq. ft. building 3A 4,643 sq. ft. hotel 2,643 sq. ft. leasing 66,421 total	Increased retail • 27,714 sq. ft. of retail evaluated in TASP • 29, 268 sq. ft. more than evaluated in TASP
CENTRE POINTE SITE B: 4.685 ACRES						
Designation APN 86-33-086 and APN 86-33-087	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	High Density Transit Oriented Residential (HDTOR)	Multiple Family-High Density Transit Oriented Development Overlay (R3-TOD)	Land Use and Zoning change	TASP Land Use change for APN 86-33-086 (0.625 acres) and all of APN 86-33-087 TASP Zoning change for APN 86-33-086 (0.625 acres) and all of APN 86-33-087
Designation APN 86-33-088	High Density Transit Oriented Residential (HDTOR)	Multi-family Residential, High Density (R3-TOD)	No change	No change	No change	No change

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Density APN 86-33-086 and APN 86-33-087	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	21 du/ac minimum average gross density 40 du/ac maximum average gross density Gross densities of individual projects maybe <21 or >40, provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density	21-40 du/ac No density bonus	105 du (22.4 du/ac)	Decreased density • Density < 31 du/ac • 281 units permitted at max • 175 units fewer than evaluated in TASP
Density APN 86-33-088	21 du/ac minimum average gross density 40 du/ac maximum average gross density Gross densities of individual projects maybe <21 or >40, provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density	21-40 du/ac No density bonus	No change	No change	No change	No change
Height APN 86-33-086 and APN 86-33-087	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	3 to 5 stories	6 stories	3 to 4 stories	Decreased Heights • Heights < 6-12 stories

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Height APN 86-33-088	3 to 5 stories	6 stories	No change	No change	No change	No change
Retail APN 86-33-086 and APN 86-33-087	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No retail permitted	No retail permitted	No retail	Decreased Retail • 29,047 sq. ft. evaluated in TASP • 29,047 less sq. ft. of retail than evaluated in TASP
Retail APN 86-33-088	No retail permitted	No retail permitted	No change	No change	No change	No change
CENTRE POINTE SITE C: 5.95 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU) High Density Transit Oriented Residential (HDTOD)	Mixed Use Boulevard (MXD3-TOD) And Multiple Family (R3 –TOD)	No change	No change	No change	No change
Density	(BVMD): 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP (HDTOD): 21 du/ac minimum; 40 du/ac maximum Increased densities can be greater than 40 du/ac provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density permitted	(MXD3-TOD): 41-75 du/ac Bonus: Up to 25% additional density increase with Use Permit And (R3-TOD): 21-40 du/ac No bonus	No change	No change	136 du (22.94 du/ac)	Decreased Density • Density < 41 du/ac for BVMU • 446 units evaluated in TASP for BVMU • 310 units fewer than evaluated for BVMU • Density < 40 du/ac for HDTOD • 238 units evaluated in TASP For HDTOD • 102 units fewer than evaluated in TASP for HDTOD
Height	(BVMD): 4 to 12 stories (HDTD): 3 to 5 stories	MXD3-TOD): 12 stories (Up to 20 stories with CUP) And (R3-TOD): 6 stories	No change	No change	3 to 4 stories	Decreased Height • Heights < 6-12 stories

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Retail	BVMD: Ground floor retail and restaurants and neighborhood serving services permitted HDTOD: no retail	No retail required	No change	No change	No retail	No change
HOURET 1: 4.27 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU)	Mixed Use Boulevard (MXD3)	No change	No change	No change	No change
Density	BVMU: 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP	41-75 du/ac Bonus: Up to 25% additional density increase with Use Permit	No change	No change	83 du (19.44 du/ac)	Decreased Density • Density < 41 du/ac • 384 units evaluated in TASP • 297 units fewer than evaluated in TASP
Height	4 to 12 stories	12 stories (Up to 20 stories with CUP)	No change	No change	3 to 4 stories	Decreased Heights • Heights < 12 stories
Retail	Ground floor retail and restaurants and neighborhood serving services permitted	No retail	No change	No change	No retail	No change
HOURET 2: 1.03 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU)	Mixed Use Boulevard (MXD3), no TOD	No change	No change	No change	No change
Density	BVMU: 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP	Mixed Use Boulevard (MXD3), no TOD	No change	No change	31 du (30.09 du/ac)	Decreased Density • Density < 60 du/ac • 93 units evaluated in TASP • 72 units fewer than evaluated in TASP
Height	4 to 12 stories	12 stories (Up to 20 stories with CUP)	No change	No change	3 stories	Decreased Heights • Heights < 4-12 stories
Retail	Ground floor retail and restaurants and neighborhood serving services permitted	No retail	No change	No change	No retail	No change

Notes:
ac = acre; du = dwelling units; sq. ft. = square feet

Source: Dhyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan.* June (amended in 2011); Lyon Communities, 2015.

2. Access, Circulation and Parking

The proposed project would include street landscaping, circulation improvements, land to accommodate the alignment of two pedestrian bridges over Penitencia Creek, and a landing area for a pedestrian bridge over Montague Expressway. Because the project site is located within the 100-year flood zone, the project would be graded to ensure that all residential and commercial development pads be raised above the flood zone. Market Street and Newbury Street would be designed and constructed to provide flood paths in the event of a 100-year storm.

Two new access driveways would be constructed in District Lot 3. One driveway is proposed as a right-turn only driveway off of Great Mall Parkway and the second driveway is a right in/out off of Centre Pointe Drive. A right-turn lane would be provided for the Great Mall Parkway access drive. This would require removal of mature trees along Great Mall Parkway. The access to District Lot 2 would be moved off of McCandless Drive, south of Market Street. This would separate Lot 2 access from sharing access with District Lot 1 (not part of the proposed project) at McCandless and Market. Market Street would also be modified to provide two-way traffic to facilitate better circulation and access through the project area. Specifically, the modification on Market Street would provide one access driveway for District Lot 3 at the intersection of Bond and Market Streets.

A new street would be constructed between Newbury and Penetencia Creek (Drive G). The proposed project would provide landscaping on the southern side of Newbury, and would stripe a new four-way stop, intersection at the intersection of Newbury, Centre Pointe Drive, and Drive G. The proposed project would also provide landscaping and on-street parking along Market Street that is proposed as a two-way street. The proposed project would also provide improvements to Centre Pointe Drive to remove the existing horizontal curb. The project would provide improvements and landscaping to the portions of McCandless Drive and Bond Street that border the project area. These changes would result in the removal of mature trees along Centre Pointe Drive and Bond Street.

Parking for District Lot 2, District Lot 4 and District Lot 3/ Centre Pointe A would be provided through a parking structure located in the interior of each planning area, with additional street parking provided on Market Street. Parking for the for-sale units in Centre Pointe Site B, Centre Pointe Site C, and Houret 1 and 2 would be provided in street-level garages associated with each unit

3. Utilities and Infrastructure

The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

a. Water. Water service in the City of Milpitas is provided by the Santa Clara County Water District (SCVWD). Existing water lines within the vicinity of the site include 12-inch water lines beneath Bond Street, Centre Pointe Drive, Great Mall Parkway, Houret Drive, and an 8-inch water line in Newbury Street. The project proposes a new 12-inch water line in Market Street. The proposed project would connect directly to those existing lines.

b. Wastewater. The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site. The proposed project would connect directly to these lines, which are 8-inch lines located beneath Montague Expressway, Houret Drive, Centre Pointe Drive, and McCandless

Drive. The project proposes a new 8-inch sanity sewer line in Market Street. An existing 8-inch sanitary sewer manhole is also located on Montague Expressway. The proposed project would connect to those lines.

c. Stormwater. The Santa Clara Valley Water District owns and maintains most of the storm-water infrastructure within the City of Milpitas, including the project site. Existing storm drainage infrastructure surrounding the site includes the following: 39-inch storm drainage line underneath Newbury Street, a 15-inch and 42-inch storm drainage line underneath Bond Street, a 27-inch and 33-inch storm drainage line beneath Centre Pointe Drive, a 15-inch storm drainage line underneath Houret Drive, an 18-inch storm drain in McCandless, an 18-inch storm drainage line beneath Montague Expressway, and a proposed 15-inch storm drain in Market Street. The proposed project would connect to those lines.

In addition, bioretention areas would be incorporated into the landscape design to provide appropriate vegetation and water quality treatment, including in open spaces, street frontages, and paseos. On site drainage has been designed consistent with the C3 requirements for Low Impact Development and Special Project Categories. All walkways within the open space area of the development would be sloped to drain onto the surrounding landscaping.

This project would extend the existing recycled water main in Centre Pointe Drive to the project site to provide recycled water for irrigation.

d. Electricity and Natural Gas. Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The proposed project would connect to these existing lines and any new electrical lines would be installed underground. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen's 2013 standard building measures for residential buildings and Title 24 requirements.

e. Construction. Development of the proposed project would require demolition of existing structures and site grading of each planning area. Construction is anticipated to occur over approximately 36 months, starting in March 2016 and ending in March 2019.

D. APPROVALS/PERMITS

The following approvals and permits would be required for the project:

- General Plan Amendment
- TASP Amendment
- Application for Zone Change
- Site Development Permits
- Conditional Use Permits
- Vesting Tentative "B" Level Map Permits
- Demolition Permits
- Building Permits

- Off-Site (Encroachment) Permits
- Tree Removal Permits

The City has already approved Vesting Tentative Maps for the following two project areas: District Lots 2 and Lot 4.

ATTACHMENT C
ENVIRONMENTAL CHECKLIST
PURSUANT TO CEQA GUIDELINES SECTION 15168

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the modified The District project is within the scope of the Transit Area Specific Plan Final EIR (TASP FEIR) and will have no new or more severe significant effects and no new mitigation measures are required.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the TASP FEIR, certified in May 2008, which is hereby incorporated by reference.

This checklist describes and evaluates potential changes to environmental impacts from the proposed revised project as they relate to impacts identified in the TASP FEIR. The focus of this analysis is on impacts specific to the revised project and that differ from those identified in the TASP FEIR.

This environmental checklist is used to: (1) compare the environmental impacts of the proposed revised project with impacts expected to result from development approved in the TASP and evaluated in the TASP FEIR; (2) to identify whether the proposed project would result in new or more severe significant environmental impacts; and (3) to identity if substantial changes with respect to the circumstances under which the project would be undertaken since the TASP FEIR was certified would result in new or more severe significant environmental effects.

Mitigation Measures are measures that would minimize, avoid, or eliminate a significant impact. The analysis contained herein evaluated each topic to identify whether additional mitigation measures beyond those identified in the TASP FEIR would be warranted. As discussed for each topic in the Checklist, no new mitigation measures would be required for the modified project.

A Traffic Operations Analysis[1,2] was prepared to assess the potential traffic effects of the modified project and surrounding area. The air quality, greenhouse gas emissions, and noise analyses for the modified project were based on this project-specific traffic analysis. The results of the studies reflect that there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects associated with the modified project, and no new mitigation measures or alternatives are required as a result of this analysis.

[1] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised) Memorandum*. September 10.

[2] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units Memorandum*. October 13.

As a result of a site reconnaissance by LSA personnel on September 23, 2015, minor changes on the site related to the removal of trees was identified, as discussed in Checklist Section IV. Biological Resources and evaluated in the TASP Draft EIR in Section 3.8, Biological Resources. However, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects associated with the modified project, and no new mitigation measures or alternatives are required as a result of this analysis.

For all other environmental topics addressed in the Checklist as identified in each topical section, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were evaluated and identified in the TASP FEIR.

ENVIRONMENTAL CHECKLIST

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
I.	**AESTHETICS.** Would the project:				
	a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
	b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☒	☐
	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
	d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

DISCUSSION

Scenic Vistas

The project site is not located within a scenic viewshed or along a State Scenic Highway or other scenic highway. Flat topography and existing urban development constrain scenic vistas in the vicinity of the project site. Views of the Milpitas foothills to the northeast are available from the project site only when viewed from the public rights-of-way along McCandless Drive and Centre Pointe Drive. No on-site parks, open space lands or public lands adjacent to or in the vicinity of the proposed project have views of the foothills. Furthermore, as described in the TASP FEIR, the City's visual resources are outside of the TASP Area. Therefore, the impacts associated with the proposed project would not result in new impacts to scenic vistas or substantially increase the severity of the less-than-significant impacts to scenic vistas identified in the TASP FEIR.

Scenic Resources

Few scenic resources remain within the TASP Area as the street trees on McCandless Drive, which were considered visual resources[3] in the TASP FEIR, have been removed and replaced with new trees. The mature trees on Centre Pointe Drive and on the south side of Great Mall Parkway remain.

Portions of the proposed project are located along McCandless Drive, Great Mall Parkway, and Centre Pointe Drive. The proposed project would create new curb cuts along all three streets. As the TASP FEIR describes, the TASP includes policies to retain trees along McCandless Drive, Great Mall Parkway, and Centre Pointe Drive. As an earlier project has already replaced the trees along

[3] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan EIR, Section 3.2 Visual Resources*. October.

McCandless Drive, the policy as it relates to McCandless Drive no longer relates to this project. If the project were to remove mature trees along Great Mall Parkway and Centre Pointe Drive and to replace them with new trees, the loss of these trees would remain a less-than-significant impact as the project would still comply with the City's Tree Maintenance and Protection Ordinance. Therefore, the proposed project would not create impacts related to scenic resources that are new or more significant than those analyzed in the TASP FEIR.

Visual Character

The TASP aims at improving the existing aesthetic value of the Transit Area and calls for new parks, trails, landscape buffers, and other design policies that would result in the enhancement of the visual character of the TASP Area. The TASP includes specific design standards to create a unified appearance to the Transit Area, consistent setbacks, landscaped buffers, street trees, and parks, which the TASP FEIR analyzed. The proposed project would conform to these design standards by providing street landscaping, landscaped paseos along pedestrian walkways, and landscaped setback areas.

When the TASP FEIR evaluated the TASP, the existing area surrounding the project site included a collection of industrial parks with several one-story buildings used for R&D light industrial purposes and associated parking. Since adoption of the TASP FEIR, developers have built and continue to build high-density residential uses in the TASP Area. New residential development within the project vicinity consists of buildings that are approximately three to five stories in height.

The building heights of the proposed project would change the visual character of the existing site. The existing uses on the proposed project site are low-lying industrial buildings. The TASP allows buildings along Great Mall Boulevard and Montague Parkway up to 12 stories in height and up to 24 stories with design review. The proposed project would construct buildings that are lower than 12 stories and thus would meet the building height limits set forth in the TASP design standards. The tallest structures in Lot 3/Centre Pointe Site A would be the proposed hotel with nine stories and the multi-family residential structure with 10 stories. The remaining structures proposed for the project range from three to four stories in height, which would be lower than building heights contemplated under the TASP. The project would not degrade the visual character of the project site or result in impacts to visual character that would be more severe than those impacts analyzed in the TASP FEIR.

Light and Glare

Redevelopment of the TASP Area would result in the introduction of new sources of light and glare on the project site. As discussed in the TASP FEIR, development standards and policies would limit new sources of light and glare in the TASP Area. To minimize potential light and glare impacts, the proposed project would implement and be consistent with TASP development standards that address street and outdoor lighting. Therefore, the proposed project would not create impacts related to light and glare that would be new or more significant than those analyzed in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was

certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES TO REDUCE THE IMPACT

TASP Policies

- *Policy 4.66: Do not create new curb cuts along McCandless Drive or Centre Pointe Drive, in order to preserve the existing trees and to create a pedestrian environment along the street.*
- *Policy 6.41: Construct a continuous trail network as delineated in the Transit Area Plan through land dedication and improvements by property owners in coordination with the Santa Clara Valley Water District and the City of Milpitas.*
- Development Standard: Utilities shall be underground or in subsurface conduits and accessible.

CONCLUSION

The TASP FEIR adequately evaluated the potential aesthetic impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
II. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

DISCUSSION

The TASP FEIR did not analyze agriculture as the TASP Area is urban without any agricultural or forest land uses in the area or vicinity. The project site, located within the TASP Area, is also not used for agriculture. The Santa Clara County Important Farmland 2012 map designates lands within the TASP Area, including the project site, as "Urban and Built-Up Land." Thus, the TASP and the proposed project would have no impacts on agriculture.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

There would be no agriculture or forestry impacts associated with The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
III.	**AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
	b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
	c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
	d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
	e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

DISCUSSION

Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if a project would conflict with or obstruct implementation of an applicable air quality plan, which for the TASP FEIR was the 2005 Bay Area Ozone Strategy.[4] In forecasting future stationary and mobile source emissions and preparing the regional air quality plan, the BAAQMD uses growth projections prepared by ABAG. The BAAQMD based its 2005 Bay Area Ozone Strategy on population projections in the 2003 ABAG Projections.[5] The TASP FEIR found that population increases in the City are anticipated to exceed population increases accounted for by the 2003 ABAG Projections,

[4] Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

[5] Association of Bay Area Governments, 2003. *Projections 2003*.

thus resulting in a significant and unavoidable impact (Impact 3.6-1) related to consistency with the applicable federal Environmental Protection Agency (EPA) Clean Air Plan (CAP).

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. Implementation of the TASP includes policies that address transportation and land use that are consistent with the CAP. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout the TASP Area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit, which support the CAP. The proposed land use and zoning of The District project would result in fewer residential units than evaluated in the TASP. Therefore, the population growth associated with the proposed project is consistent with the TASP and would not result in any new impacts related to consistency with the CAP.

The TASP FEIR identified measures to reduce air emissions such as encouraging the use of pedestrian walkways and bikes, and designing streets for slower speeds, but concluded that air quality impacts would be significant and unavoidable. The project would implement the TASP measures and would not increase the previously-identified impacts. Thus conclusions about compliance with the CAP in the TASP FEIR remain applicable to the project.

Air Quality Standards

Ambient air quality has basically remained unchanged since the approval of the TASP FEIR. The BAAQMD has made two regulatory changes since certification of the TASP FEIR. The BAAQMD adopted CEQA Guidelines in May 2011 that provide new and updated CEQA thresholds for analyzing air quality impacts. In general, the new BAAQMD California Environmental Quality Act Air Quality Guidelines (BAAQMD CEQA Guidelines) have lowered the emissions thresholds for identifying project impacts. For example, the updated BAAQMD CEQA Guidelines revised the threshold for project operations for reactive organic gases (ROG) and nitrogen oxides (NO_x) from 80 pounds per day to 54 pounds per day. The updated thresholds also include new thresholds for fine particulate matter ($PM_{2.5}$) at 54 pounds per day. The BAAQMD also amended its guidelines to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts.

On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD CEQA Guidelines. The court did not determine whether the thresholds of significance were valid on their merits, but found that adoption of thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease their dissemination until the BAAQMD complied with CEQA. The BAAQMD appealed the Alameda County Superior Court's decision. The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending as of December 2013.[6]

[6] Bay Area Air Quality Management District, 2015. *Updated CEQA Guidelines*. Website: www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx (accessed May 20, 2015).

The BAAQMD has not reinstated the 2011 CEQA Guidelines; however, the City of Milpitas notes that the Alameda County Superior Court, in ordering BAAQMD to set aside the thresholds, did not address the merits of the science or evidence supporting the thresholds. The City of Milpitas finds that, despite the court ruling, the science and reasoning contained in the 2011 BAAQMD CEQA Guidelines provide the latest state-of-the art guidance available. For that reason, substantial evidence supports continued use of the 2011 BAAQMD CEQA Guidelines.

Regional Air Pollutant Emissions

The TASP FEIR identified that development of projects under the TASP could further contribute to non-attainment of air quality standards. The TASP FEIR also identified that buildout of the TASP could place sensitive land uses (land uses that could house sensitive receptors) near local intersections or roadways associated with air pollutant emissions that exceed (worsen) State or federal ambient air quality standards.

The District project would develop the site with new residential and commercial uses, similar to what the TASP envisioned, although with fewer visits and less retail area. The new uses would result in mobile air quality impacts from increased vehicle trips to and from the project site and air quality impacts such as emissions generated from the use of landscaping equipment and consumer products. Therefore, the proposed project would also contribute to the significant regional and local air quality impacts identified in the TASP FEIR. The TASP FEIR identified policies which provide measures to reduce vehicle trip generation and thus vehicle emissions from the project. Although the policies would reduce air quality impacts, regional emissions would remain significant and unavoidable as identified in the TASP FEIR. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than described and evaluated in the TASP FEIR.

Construction-Related Impacts

Construction activities would cause temporary adverse effects on local air quality. Construction activities such as earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases immediately after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Development of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP FEIR. With implementation of TASP Policy 5.16 which would reduce construction-related air quality impacts, the proposed project would also not result in any new or more significant construction-related air quality impacts than were evaluated in the TASP FEIR. This impact would remain less than significant.

Local Community Risk and Hazard Impacts to Sensitive Receptors

The TASP FEIR identified a variety of pollutant or toxic air emissions (TACs), such as diesel exhaust and those from dry cleaning facilities, in addition to emissions that could be released from construction projects and operations associated with the proposed project. TASP Policy 5.23 requires project sponsors to inform future and/or existing sensitive receptors of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts. As identified in the TASP FEIR, this information could be disseminated through rental agreements, real property disclosure statements, and/or mailed notices to existing residents and property owners; and would include, but would not be limited to: location of dry cleaners, proximity to diesel emission from trucks and passenger vehicles, and light duty industrial operations. The proposed project does not include additional TAC sources in the project site; therefore implementation of the proposed project would have a less-than-significant impact.

Objectionable Odors

The TASP FEIR did not address potential odor impacts for the proposed project. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not create objectionable odors affecting a substantial number of people. The proposed project would not increase impacts beyond those evaluated in the TASP FEIR and would have a less-than-significant impact related to odors.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.*
- *Policy 3.d-I-9: Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.*
- *Policy 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.*
- *Policy 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.*
- *Policy 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.*

- *Policy 2.b-I-2: Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.*

TASP Policies

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 [of the Specific Plan]. The City and/or private property owner shall install sidewalks in areas where they currently do not exist, and where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.*
- *Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes are continuous and designed to be attractive and safe for pedestrians.*
- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy3.16.*
- *Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as day care facilities, schools, nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.*
- *Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.*
- *Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement. This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999).*
- *Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human*

health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

CONCLUSION

The TASP FEIR adequately evaluated the potential air quality impacts for The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IV.	**BIOLOGICAL RESOURCES.** Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	☒

DISCUSSION

Protected Plants and Wildlife

As described in the TASP FEIR, the area covered by the TASP consists of land previously altered by development. The majority of the TASP Area is covered in vacant industrial lots that have been previously developed and abandoned with structures that are partially or entirely dismantled, resulting in lots with compacted soils and ruderal (plants growing among refuse) habitats. Within the project area, the less disturbed ruderal areas could be occupied by ground squirrels and other rodents. Although these areas are generally lacking in vegetation, under appropriate conditions they may support sensitive wildlife species such as burrowing owls that have been shown to adapt to human development. With the exception of burrowing owls, the TASP FEIR determined that there is minimal potential for special-status species to occur due to the history of development in the TASP Area.

The only record of special-status species occurring in the area is for burrowing owls. The TASP FEIR notes that development of vacant and ruderal lots could result in a loss of burrowing owls or their nests. According to the TASP FEIR, TASP Policy 5.25, which is now Policy 5.26, would reduce potential impacts to burrowing owls to a less-than-significant level. This policy would require preconstruction surveys, buffers during breeding season, and relocation by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) during the non-breeding season in conformance with all necessary State and federal permits.

The proposed project would implement existing General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.26 to reduce potential impacts to burrowing owls to a less-than-significant level. With implementation of these polices, the proposed project would not create impacts related to protected plants and wildlife that are new or more significant than those analyzed in the TASP FEIR.

Riparian Habitat

As described in the TASP FEIR, the project site is located in proximity to two drainages: Lower Penitencia Creek and Penitencia Creek East. While these drainages lack high-quality riparian habitat, patches of riparian habitat exist. New development in the TASP Area could result in loss or degradation of this habitat.

The TASP FEIR determined that implementation of General Plan Policy 4.b-I-4 and Policy 4.b-I-5 and TASP Policy 5.29, which is now Policy 5.30, would ensure that potential impacts of new development on riparian habitat would be less than significant.

In addition, the proposed project must obtain the necessary State and federal permits prior to work within State or federal jurisdictional habitat areas, respectively. The project site does not support other sensitive natural communities. With implementation of the above-mentioned polices, the proposed project would not create impacts related to riparian habitat that are new or more significant than those analyzed in the TASP FEIR.

Federally Protected Wetlands

As the TASP FEIR states, Penitencia Creek and Penitencia Creek East and their tributaries receive protection under Section 404 of the Clean Water Act. Wetlands associated with these drainage features also potentially receive protection under Section 404.

The TASP has specific design guidelines, including setbacks that would reduce direct impacts on creeks within the TASP Area. TASP Policy 5.29 requires setbacks from creeks to be a minimum 25 feet from top of bank or from a maintenance road, if one exists. Additional side and rear yard setbacks are also required. General Plan Policies 4.b-I-4 and 4.b-I-5 would ensure impacts to federally protected wetlands are less than significant. The applicant for The District project would be required to coordinate with the Army Corps of Engineers (Corps), CDFW, and the State Water Control Resources Board (RWQCB), depending on the jurisdiction potentially affected. The proposed project would conform to the setback requirements and other design standards provided in the TASP. In addition, the proposed project would coordinate with the necessary agencies, as required. By following these guidelines and implementing General Plan Policies 4.b-I-4 and 4.b-I-5, the proposed project would not create impacts related to wetlands that are new or more significant than those analyzed in the TASP FEIR.

The TASP includes policies for project sites adjacent to waterways, including Policy 5.31 which sets out construction requirements and Policy 5.32 identifies the location of projects that would need to obtain permits from the Santa Clara Valley Water District (SCVWD) prior to construction. The proposed project would conform to these policies and therefore would not create impacts related to waterways that are new or more significant than those analyzed in the TASP FEIR.

Wildlife Movement Corridors

As the TASP FEIR states, nesting habitat for non-listed special-status raptor species occurs on and near the TASP Area. Many bird species use the existing ornamental trees for cover, nesting, or stop-over locations during migration, especially with the availability of water from the drainages within the TASP Area. Removal of large, mature trees can cause direct mortality to nesting birds and their young and construction disturbance can cause nest abandonment resulting in indirect loss to avian species. Raptors also could potentially use large and/or mature trees in the TASP Area for nesting. Raptors and other common birds and their nests and eggs are protected under California Department of Fish and Game Code 3503.5. The project would implement TASP Policy 5.26, now Policy 5.27, which would require a qualified biologist to conduct a survey that would be considered by the U.S. Fish and Wildlife Service (USFWS) and CDFW as appropriate, on a case-by-case basis in certain conditions, to determine whether a project would require avoidance procedures. Implementation of General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.27 would reduce potential impacts to nesting raptors and other birds to less-than-significant levels. The proposed project would conform to the above policies and therefore would not create impacts related to migrating wildlife that are new or more significant than those analyzed in the TASP FEIR.

Mature Trees

The TASP FEIR does not contain a comprehensive tree survey. The FEIR recognizes that the impacts of the high intensity, transit-oriented redevelopment of the area would require removal of many trees. The loss of protected trees would be a significant impact (Impact 3.8-3) that would require compensation per the City ordinances. On the project site, mature trees covered by the City's Tree Maintenance and Protection Ordinance are located along Great Mall Parkway, Centre Pointe Drive, and Bond Street. The project applicant would be required to obtain a permit for tree removal under the City's Tree Maintenance and Protection Ordinance. Tree removal would also comply with all City requirements to minimize impacts on biological resources during removal. As part of the landscape plan, the applicant proposes to plant more than 300 trees within and along the street frontage of the project site, and would remove only one tree with a diameter at breast height exceeding 37 inches, which the City considers to be a mature tree. In addition, the TASP FEIR identified Policy 5.27, now Policy 5.28, to reduce impacts to trees to a less-than-significant level.

Note that mature trees along McCandless Drive have already been removed and replaced. The TASP FEIR states that following the City's Tree Maintenance and Protection Ordinance as well as implementing General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policies 5.27 and 5.28 would reduce this impact to a less-than-significant level. The proposed project would conform to these policies, and therefore would not create impacts related to trees that are new or more significant than those analyzed in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

General Plan Policies

- *Policy 4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.*
- *Policy 4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.*

TASP Policies

- *Policy 5.26: For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a*

qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

- *Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
- *Policy 5.28: Development under the Specific Plan shall, to the maximum extent feasible (and with exceptions such as removal for emergency, health or fire hazard purpose) retain the corridor of trees along McCandless Drive and corridors of trees in the vicinity both as a potential resource for habitat and as an important visual resource.*
- *Policy 5.29: Per Figure 5-23 G and Tables 5-1 and 5-2 [of the Specific Plan], a minimum 25 foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.*
- *Policy 5.30: Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFW, as required by law. Coordination will include evaluation of existing riparian habitat and development of avoidance, minimization and/or compensatory measures sufficient to procure a streambed Alteration Agreement with the CDFW.*
- *Policy 5.32. Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.*

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
V.	**CULTURAL RESOURCES.** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

DISCUSSION

Historic Resources

The project site is fully developed with light industrial buildings. None of the existing structures are considered significant historic resources under the State or federal standards for historic resources. The only historic resource in the TASP Area that is listed in the City's Register of Cultural Resources is the Old Ford Motor Assembly Plant now known as the Great Mall, which is located approximately 0.1 miles north of the project site. Therefore, the proposed project would not result in impacts to buildings that are historic resources.

Prehistoric and Historical Archaeological Resources

No archaeological resources have been identified on the project site. However, as noted in the TASP FEIR, the TASP Area is considered sensitive for archaeological resources. One Native American archaeological resource, CA-SCL-593, and a prehistoric archaeological site are located adjacent to the TASP Area. Previous archaeological studies suggest that there could be an archeological complex in and around these sites that might extend into the TASP Area. The TASP FEIR also determined that there is a moderate to high likelihood that unrecorded Native American cultural resources exist on sites within the TASP Area due to early settlements along Penitencia Creek.

While subsurface cultural resources are not anticipated to be encountered with demolition and grading of the site, there is a chance that construction activities could affect previously-unidentified archaeological resources on the project site. The TASP FEIR identifies Policy 5.31, now Policy 5.34 to reduce the impacts to previously unidentified archeological resources to a less-than-significant level through construction monitoring, and if remains are found, temporary halting of construction until development of a mitigation plan and its implementation. This measure applies to the project site, the same as it applies to the TASP.

Implementation of Policy 5.34 from the TASP would reduce impacts to previously unidentified archeological resources to a less-than-significant level. Implementing the proposed project would not lead to new or more severe impacts to archaeological resources that would occur beyond those already identified in the TASP FEIR.

Paleontological Resources

There is the potential to encounter unidentified fossils during construction of new development. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant. Adverse impacts on paleontological resource could occur when earthwork activities such as mass excavation cut into geological formations, or depths below the soil layer, which is generally 6 feet deep. The TASP FEIR determined that project specific evaluation, monitoring during construction, temporary suspension of grading, fossil recovery in the event fossils are discovered, as identified in TASP Policy 5.32, now Policy 5.35, would reduce the potential impact to such resources to less-than-significant levels. Implementing the proposed project would not lead to new or more severe impacts to paleontological resources that would occur beyond those already identified in the TASP FEIR.

Disturbance of Human Remains

All development within the TASP Area must conform to State laws pertaining to the discovery of human remains. If human remains of Native American origin are discovered during project construction, the developer and/or Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission.

Sections 21083.2 and 21084.1 of the *Public Resources Code* state that if any human remains are discovered or recognized in any location on the project site, there shall be not further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until required conditions are met. This requirement would be the same for the proposed project as for the TASP and would reduce impacts to potential human remains to a less-than-significant level. These potential impacts would not exceed those already identified in the TASP FEIR, and the project would not result in any new or more significant impacts to cultural resources beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Santa Clara County and other

appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center Office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA standards of significance, construction shall proceed. On the other hand, if the archaeologist determines that further information is needed to evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Clara County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin,
    - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
    - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission

TASP Policies

- *Policy 5.32: See this policy in Section IV, Biological Resources.*
- *Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA § 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The*

MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.

- *Policy 5.35: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.*

CONCLUSION

The TASP FEIR adequately evaluated the potential cultural resource impacts of The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VI.	**GEOLOGY AND SOILS.** Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
	ii) Strong seismic ground shaking?	☐	☐	☐	☒
	iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	iv) Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

DISCUSSION

Seismicity and Seismic Hazards

All structures in the Bay Area could be affected by ground shaking in the event of an earthquake along regional active faults. Seismic shaking could cause extensive nonstructural damage to buildings at the project site. As the TASP FEIR states, some structural damage is not avoidable. Building codes and construction standards established by the California Building Code and contained in Title 24 of the California Code of Regulations (CCR) protect against building collapse and major injury during a seismic event. The proposed project would comply with the provisions of California Building Code to help prevent extensive structural damage due to seismic-related ground shaking. Building permit applications for subdivisions must be accompanied by a preliminary soils report that indicates the presence of soil problems which, if not corrected, could lead to structural defects and include recommended corrective actions to prevent structural damage where such soil problems, such as liquefaction exists. Also, the Seismic Hazards Mapping Act requires that before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation of the site has to be conducted and appropriate mitigation measures incorporated. Thus, recommendations included in the preliminary soils report and geotechnical investigation would help reduce potential liquefaction hazards to less-than-significant levels.

The proposed project would comply with the California Building Code, Seismic Hazards Mapping Act, and General Plan policies that address seismic and geological hazards including the preparation of a site-specific geotechnical investigation that must be submitted to and approved by the City Geologist prior to issuance of a grading permit.

Unstable and Expansive Soils

Soils within the TASP Area consist of inter-layered, poorly-sorted gravel, sand, silt and clay. Soils within the TASP that contain high percentage of clays would be susceptible to expansion. Settlement

would be a concern in areas that have not previously supported structures and where new structures would place loads heavier than the soils would tolerate. Erosion hazards would be highest during construction activities, as construction would involve demolition of existing structures, stripping of surface vegetation, grading, excavation of soils, and placement of imported engineered soils. Existing impervious surfaces and established ground cover that serves to stabilize site soils would be removed during construction, potentially exposing soils to the erosional forces of wind, rain and runoff.

The Milpitas City Code requires that building permit applications be accompanied by a preliminary soils report that addresses site soil conditions, including expansive soils, settlement and erosion, and provides recommendations to offset potential soils problems. In addition, the proposed project would be required to comply with National Pollution Discharge Elimination System (NPDES) General Construction Permit requirements and to prepare a Storm Water Pollution Prevention Plan (SWPPP). The proposed project would conform to these policies and regulations and would not result in new or more significant geologic impacts than those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act, and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.*

TASP Policies

- *Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.*

CONCLUSION

The TASP FEIR adequately evaluated the potential geology and soil impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

DISCUSSION

The TASP FEIR found that the primary sources of greenhouse gas (GHG) emissions related to urban development in the TASP Area are anticipated to continue to be from combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are anticipated from construction activity that would occur during the implementation of the TASP. Since the GHG emission rate is related to growth, the TASP promotes policies that reduce energy consumption and fuel usage by encouraging development patterns that would reduce the vehicles miles traveled (VMT) per capita and proposes a variety of actions and policies that can reduce emissions to less-than significant levels.

The TASP FEIR found that the rate of increase in VMT would be less than the rate of increase in population due to the mixed-use and transit area nature of new development proposed under the TASP. The TASP FEIR found that while the population is expected to increase significantly in the area, a large percentage of that population would use transit options made available to them which in turn would reduce vehicle use. The TASP FEIR also found that the increase in VMT will not prevent the reduction of statewide greenhouse gas emissions to 1990 levels.

Individual projects incrementally contribute toward the potential for global climate change on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

The TASP FEIR analyzed the potential GHG emissions that would result from buildout of the TASP. The TASP was designed to provide residential uses in proximity to retail and commercial uses and to transit, such as the BART station, to minimize the use of vehicles and generation of vehicle miles traveled. TASP policies also encourage the development of pedestrian friendly streets and bikeways to promote alternative forms of transportation. The proposed project would incorporate the TASP policies by: providing continuous pedestrian sidewalks and safe bike travel routes, consistent with Policy 3.21; providing direct walking routes to schools and major destinations such as retail developments consistent with Policy 3.22; encouraging children to walk to school by providing safe routes consistent with Policy 3.23; and providing bikeways and bike storage and providing parking areas that encourage carpooling and use of low emission vehicles consistent with TASP Policies 3.28,

3.31, 3.33 and 3.34. The TASP FEIR concluded that implementation of these measures would reduce impacts from GHG emissions for the TASP to less-than-significant levels. As the proposed project would remain in compliance with these policies, the project's impact on GHG would also be less than significant.

Regarding electricity consumption, the TASP FEIR found that the increase in total demand for electrical energy as a result of the TASP would be reduced to less-than-significant levels by requiring compliance with State, local, and TASP energy efficiency policies. These policies (outlined below) will ensure that the additional energy that homes and businesses consume would not impede achievement of the statewide reduction in emissions mandated by the California Climate Solutions Act of 2006 and will ensure that the impact of increased energy consumption in the TASP Area would be less than significant. Additionally, the proposed project would encourage and support energy efficiency and green building techniques that would reduce energy-related GHG emissions, similar to the previously approved TASP FEIR.

Implementation of the proposed project would not result in an increase in GHG emissions beyond those analyzed in the TASP FEIR and impacts would remain less than significant.

The TASP FEIR did not include an evaluation of the project's compliance with the City's 2013 Climate Action Plan which was not in place at the time the FEIR was certified. The Climate Action Plan includes GHG reduction goals, policies, and actions for new and existing development projects. The proposed project includes transit oriented development in addition to the TASP policies listed below, which are consistent with the Climate Action Plan's transportation and land use goals. Therefore, the project would be in conformance with the City's Climate Action Plan.

The proposed project adheres to the building guidelines of the TASP, is consistent with the Milpitas Climate Action Plan, and promotes reductions in greenhouse gas emissions through high-density development in proximity to transit. Additionally, while the proposed project would remove many existing trees, the project would comply with City ordinances and requirements for replacing and planting new trees, which would help offset greenhouse gas emissions. The proposed project would result in no new or more severe impacts related to greenhouse gas emissions than analyzed in the TASP FEIR and further analysis is not required.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies related to Greenhouse Gas Emissions

- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-*

matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.

- *Policy 3.21: See this policy in Section III, Air Quality.*
- *Policy 3.22: See this policy in Section III, Air Quality.*
- *Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.*
- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the Specific Plan].*
- *Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.*
- *Policy 3.33: See this policy in Section III, Air Quality.*
- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*
- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*
- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*
    - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*
    - *Automatic lighting systems in public buildings and offices; and*
    - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

CONCLUSION

The TASP FEIR adequately covered the greenhouse gas emissions impacts of The District project and no new impacts related to greenhouse gas emissions are anticipated.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

DISCUSSION

Transport, Use, Storage, and Disposal of Hazardous Materials

The proposed project would not manufacture or generate hazardous materials. The proposed project could involve the use, handling and storage of commercially-available hazardous materials associated with building maintenance, on-site vehicle use, and landscaping. These materials would likely include fuels, paints, flammable liquids, pesticides and herbicides. Any hazardous materials stored and used at the site would be managed in accordance with applicable local, State, and federal hazardous materials regulations and General Plan policies that would reduce risks associated with leakage, explosions, fires or the escape of harmful gases.

Therefore, the proposed project would not worsen or result in new impacts related to the routine transport, use, storage, or disposal of hazardous materials, beyond those identified in the TASP FEIR.

Release of Hazardous Materials and Risk of Upset

The project site contains volatile organic compound (VOC)-impacted groundwater as well as soil contaminated with petroleum hydrocarbons and lead at concentrations exceeding potentially applicable residential screening levels. Project-related impacts to human health and the environment associated with site contamination and hazardous building materials would be considered potentially significant. There is a potential that existing buildings on the project site could contain asbestos and lead and could expose workers to contaminants during demolition activities.

TASP Policy 5.20 addresses potential hazardous materials that could impact human health and required remediation of contaminated site. TASP Policy 5.21 addresses contaminants that may be present in existing buildings such as asbestos, PCB's, and lead. TASP Policy 5.22 requires a Risk Management Plan at sites with known contamination issues. Furthermore, development within the TASP Area would be required to comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. All projects within the TASP Area are required to be in full compliance with Title 17 and Title 8 of the California Code of Regulations that would abate lead in public and residential buildings and that covers construction work where employees may be exposed to lead, including metallic lead, inorganic lead compounds, and organic lead.

The TASP FEIR determined that compliance with the above policies as well as other applicable local, State and federal safety standards would reduce potential exposure of people and the environment to hazardous materials associated with development on impacted properties or demolition of older structures to a less-than-significant level.

The proposed project would conform to the above policies and therefore would not result in new or more severe impacts related to the release of hazardous materials than identified in the TASP FEIR.

Emission of Hazardous Materials within 0.25 miles of a School

No schools are located within 0.25 miles of the project site. However, under the TASP, an elementary or K-8 school could be constructed in the vicinity of Houret Drive and McCandless Drive. TASP Policies 5.20, 5.21 and 5.22 would address potential hazardous materials impacts related to existing site contamination and construction activities throughout the TASP Area, including the project site. The TASP FEIR determined that potential impacts to future school sites would be less than significant.

The proposed project would not result in new or more severe impacts related to emissions of hazardous materials within 0.25 miles of a school than those analyzed by the TASP FEIR.

Hazardous Materials Site Pursuant to Government Code Section 65962.5

A site located in the project area, 241 Houret Drive, was listed as a hazardous materials site, but has since been closed.[7] No other areas of the project site are identified on the Cortese list or on other regulatory databases compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a significant hazard to the public or the environment and would not result in impacts more severe than analyzed in the TASP FEIR.

Emergency Response or Evacuation Plan

The proposed project would comply with standard City regulations related to the provision of adequate access for emergency vehicles and secure evacuation routes. The project would not alter roadways in the vicinity of the project site except for relatively minor project site access driveways and turn lanes. The project would therefore not impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan.

Other Issues

The project site is in an urban area and is not located in the vicinity of an airport and is not prone to wildfires. Therefore, the proposed project would not result in any impacts related to wildfires or airports.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

[7] Haley & Aldrich, Inc., 2013. *ASTM Phase I Environmental Site Assessment and Limited Phase II Assessment for 231 Houret Drive*. June 11.

APPLICABLE POLICIES

TASP Policies

- *Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination.*

  For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs2) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings.

  For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

- *Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos-containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.*

- *Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users*

adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.

CONCLUSION

The TASP FEIR adequately evaluated potential impacts related to hazards and hazardous materials at or affecting The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IX.	**HYDROLOGY AND WATER QUALITY.** Would the project:				
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f)	Otherwise substantially degrade water quality?	☐	☐	☐	☒
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	☐	☐	☐	☒
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

DISCUSSION

Water Quality Standards

During the construction period of the proposed project, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in runoff. Soil stockpile and excavated areas would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in storm drains or water courses within or adjacent to the project site. The accumulation of sediment could result in blockage of flows, potentially resulting in temporarily increased localized ponding or flooding.

The release of pollutants and chemicals such as fuels, oil, paints and solvents from construction could be transported to nearby surface waterways and groundwater in stormwater runoff, wash water, and dust control water, potentially reducing the quality of receiving waters.

The TASP FEIR identified the following policies that would help reduce construction related water quality impacts to less than significant: General Plan Policy 4.d.-G-1, General Plan Policy 4.d.-I-1, and TASP Policy 5.33, now Policy 5.36, and TASP Policy 5.34, now Policy 5.37.

The TASP and General Plan policies and water quality impacts associated with the project would not be different or more severe than those identified and mitigated in the TASP FEIR.

Deplete Groundwater Supplies

As discussed in the TASP FEIR, the project site is located in a highly urbanized area and is largely covered with impervious surfaces. The proposed project would include areas of landscaping and new trees, and would result in a net reduction in impervious surfaces. Therefore, the groundwater recharge rate at the site would be expected to be the same or potentially greater than under current conditions. The proposed project would not require the pumping of groundwater (aside from necessary construction period dewatering operations) and therefore would not deplete local groundwater supplies. Therefore, additional depletion of groundwater resources associated with the proposed project is not expected. The proposed project would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

Drainage Pattern and Surface Run-off

As discussed in the TASP FEIR, development of the TASP Area including the project site would not substantially alter the course of a stream or river that would result in substantial erosion or siltation on or off site. The TASP Area would maintain approximately the same drainage patterns, utilizing street gutters and storm drains that would remain where they are currently located.

The TASP FEIR determined that stormwater runoff would decrease with the buildout of the TASP Area, including the project site. The addition of more landscaped areas and parks would allow more precipitation to infiltrate into the ground compared with the current condition of nearly complete coverage of impervious pavement. The TASP FEIR determined that none of the existing stormwater drainage pipelines would require expansion.

Developers are required to fund a Storm Drainage Plan for each subdistrict within the TASP Area that includes measures to reduce runoff pollutants and control pollutant sources to the maximum extent practical. Full compliance with the Santa Clara County National Pollution Discharge Elimination System (NPDES) permit guidelines for stormwater discharges and General Plan Policy 4.d.-G-1 would ensure that long-term water quality impacts would not be significant.

The TASP FEIR assumed implementation of TASP Policy 6.5 that would ensure that runoff in storm drains does not lower water quality within or outside of the TASP Area by implementing Best Management Practices (BMPs) in new developments within the TASP Area. This policy was subsequently removed from the TASP. However, the proposed project would comply with the applicable NPDES regulations and General Plan policies. As the proposed project would be constructed in accordance with these requirements, no additional impacts or more severe impacts than analyzed by the TASP FEIR would occur with project implementation.

Flooding and Dam Failure Inundation

The TASP Area, including the project site, does not have any flood hazard from a release of waters associated with a failure of the Sandy Wool Lake Dam. I-680 forms a barrier that protects areas west of the freeway, including the TASP Area.

However, the TASP Area, including the project site, is located in a 100-year flood zone. The City's Municipal Code contains provisions designed to reduce future losses associated with flooding events to comply with regulations stipulated by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP). Each project within the TASP Area must comply with specific standards cited in the Milpitas Municipal Code Section XI-15. The City also provides development standards for all new construction within the TASP Area. The TASP identifies several policies that would help reduce flooding impacts to less-than-significant levels.

The proposed project would be designed to ensure that potential flooding impacts are avoided by developing in accordance with the Municipal Code Section XI-15, the City's development standards, and TASP Policies 6.1, 6.2, 6.3, 6.4, and 6.6. Therefore, the proposed project would not result in new or more severe flooding impacts beyond those already identified in the TASP FEIR.

Inundation by Seiche, Tsunami, or Mudflow

As stated in the TASP FEIR, the project site and vicinity are sufficiently elevated and distant from San Francisco Bay to avoid any hazard of tsunami or seiche run-up inundation. Future development would not expose people or structures to inundation by seiche, tsunami, or mudflow.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area.*
- *Policy 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.*

TASP Policies

- *Policy 5.36: See this policy in Section VII, Greenhouse Gas Emissions..*
- *Policy 5.37: See this policy in Section VII, Greenhouse Gas Emissions..*
- *Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.*

- *Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.*
- *Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk. The design and development standards in Chapter 5 [of the proposed Plan] must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.*
- *Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.*
- *Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.*
- *Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.*
- *Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.*

CONCLUSION

The TASP FEIR adequately evaluated the hydrology and water quality impacts of The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
X.	**LAND USE AND PLANNING.** Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

DISCUSSION

Disrupt or Divide an Established Community

Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. The District project would develop new residential and commercial uses on several sites within the TASP Area that contain existing commercial uses and surface parking. The proposed project would provide public access by including sidewalks throughout the project site that connect with the existing sidewalks along McCandless Drive, Centre Pointe Drive, Great Mall Parkway and Montague Expressway. The project would develop two pedestrian bridges over Penitencia Creek and a landing area for a pedestrian bridge over Montague Expressway. Additionally, numerous pedestrian access points would be provided along the edges of the proposed buildings that front public right-of-ways. Similarly, bicycle and vehicle access would be provided via the public streets surrounding the site. Therefore, the project design would not inhibit public connectivity, and would not physically divide a community. This impact would be less than significant and would be no more severe than analyzed in the TASP FEIR for the project area.

Conformance with Land Use Plans

The purpose of the TASP is to transition former industrial to primarily residential and commercial uses adjacent to nearby transit. Upon certification of the TASP FEIR, the City of Milpitas adopted amendments to the General Plan and Zoning Ordinance to ensure consistency between the planning documents. The TASP FEIR evaluated these new land use designations and associated policies and determined that impacts of the land use classifications and density of development conceived under the TASP would be less than significant.

As described in the Project Description (Attachment B to the Addendum), the proposed project requests changes to the TASP land use and zoning associated with adoption of the TASP. The project site has the following land use designations: Boulevard Very High Density Mixed Use, Residential

Retail High Density Mixed Use, and Multi-Family Residential Very High Density. The project proposes a General Plan Amendment to change the land use designation on a portion of the proposed project (Centre Pointe B). These changes would include a General Plan Amendment, a TASP Amendment, and a Rezone for portions of Centre Pointe Site B, specifically for parcels APN 86-33-086 and APN 86-33-087. These Amendments would change the existing Residential Retail High Density Mixed Use (RRMU) land use designations on Centre Pointe Site B to High Density Transit Oriented Residential (HDTOR). The City would make these changes to both the General Plan Land Use Map and the TASP Land Use Map. In addition, the project would include an amendment to the TASP Zoning District Map Figure 5-21 to change the TASP zoning designation for portions of Centre Pointe Site B from Mixed Use High Density with Retail Transit Oriented Development (MXD2-TOD) to Multiple Family High Density Transit Oriented Development (R3-TOD). Figure 5 and Figure 6 in Attachment B, Project Description, illustrate the existing and proposed changes to Centre Pointe Site B associated with the project. Table 4 in Attachment A, Project Description, identifies the TASP land use designations and TASP zoning designations for the proposed project and identifies how the proposed project satisfies the development standards for each designation.

The TASP requires that all projects proposed within the TASP Area are subject to a Site and Architectural Review in accordance with Chapter 42 of the City's Zoning Ordinance. Projects must demonstrate compliance with the TASP, including the Development Standards and Design Guidelines. In order to approve a project or variance, the City must find that "The proposed project conforms to the intent and the specific requirements of the Transit Area Specific Plan, including the Development Standards and Design Guidelines." The applicant has submitted a matrix identifying how the proposed modifications to The District project comply with and implement the Development Standards; the Planning Commission may approve those exceptions upon approval of a use permit.

The applicant has requested a use permit to allow for variances from the Development Standards. In order to approve the use permit, the City must find:

- The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the TASP and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.
- The deviation from the Transit Area TASP Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.

The proposed project would result in a reduction of densities, heights, retail square feet, and the number of dwelling units compared to the development proposed for The District and evaluated in the TASP FEIR. The TASP FEIR evaluated the development of up to 7,100 residential dwelling units, 1,000,000 square feet of commercial space, 285,000 square feet of retail space, and 175,000 square feet of hotels within the TASP Area. The TASP FEIR evaluated the development of 1,633 dwelling units, 93,690 square feet of retail, and no hotel for The District site. The proposed project would include 1,169 residential dwelling units, 83,842 square feet of retail, and a 175-room hotel, which is consistent with the TASP and is within the land uses anticipated for the TASP Area. Overall, the proposed project would include 464 fewer dwelling units, 9,848 fewer square feet of retail, and a new hotel with 175 rooms.

Therefore, the proposed amendments to the General Plan, TASP, and Zoning Ordinance, and the density and intensity of the proposed project would not result in any new or more significant land use impacts than those identified in the TASP FEIR. The proposed project would also not conflict with the General Plan Land Use and City Zoning designations.

Land Use Compatibility

At buildout, the TASP assumes the overall urban design and development standards associated with changes to land use and zoning would contribute to fewer incompatible land uses in the TASP Area. Land uses proposed by the TASP are more compatible with the existing and proposed adjacent residential and commercial uses. In addition, the heights and densities of higher density residential and commercial uses will provide a transition toward lower density housing. Over the planning horizon, residential uses will be built in an existing industrial area. Therefore incompatible uses may be temporarily adjacent to each other until complete buildout. The TASP also includes a number of development standards to minimize potential impacts of incompatible land uses, such as setbacks, and building location and placement policies and standards. The full set of development standards can be found in Chapter 5 of the TASP. With implementation of these self-mitigating policies and standards in the TASP, the TASP FEIR concluded that no mitigation measures would be required to address potential land use impacts.

The proposed project would conform to the TASP policies as well as the development standards provided in Chapter 5 of the TASP. The District project would include land uses addressed by the TASP and would not result in any land use compatibility impacts that would be more severe than those analyzed in the TASP FEIR. Therefore, the proposed project would not conflict with established or planned land uses.

Habitat Conservation Plan

No Habitat Conservation Plan has been prepared for the TASP, including for the project site. Thus no impacts on a Habitat Conservation Plan would occur due to the TASP or this project.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 3.8: Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*
- *Policy 3.9: Maintain the Midtown Plan's gross floor area policy, which excludes all areas of a building devoted to parking from FAR calculations.*

- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.2.4) shall apply to the entire area of the Transit Area Specific Plan.*
- *Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.*
- *Policy 5.11: Residential developers to construct masonry walls to buffer residential uses from BART and UPRR train tracks.*
- *Policy 5.13: Apply the FTA Groundborne vibration criteria (Table 5.5 of TASP) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.*
- *Policy 5.14: Project applicants shall conduct a vibration impact analysis of any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (Single family and multifamily) and lodging facilities would be at acceptable levels.*
- *Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance.*
- *Policy 5.16: See policy in Section III, Air Quality.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*
- *Policy 5.18: Day care facilities, schools, nursing home, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks and additional exit routs over and above minimum code requirements.*
- *Policy 5.19: Require the installation of temporary buffers-fences, walls or vegetation-when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when the adjacent site is redeveloped as a non-industrial use.*

CONCLUSION

The TASP FEIR adequately evaluated the land use impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

DISCUSSION

The entire TASP Area, including the project site, is located in a developed urban area that does not have mineral exploration or extraction occurring in the vicinity. In addition, the TASP Area is not designated as containing mineral resource deposits of regional importance. As such the proposed project as well as the TASP would have no impacts on mineral resources.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

DISCUSSION

Construction-Period Impacts

The proposed project would be consistent with the buildout projected for the TASP, and would implement the policies identified in the TASP FEIR to reduce potential noise impacts to less-than-significant levels. Construction of the project would adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan. The project would implement the measures identified in the TASP for addressing noise, including providing disclosures to future residents per Policy 5.17, and requiring temporary buffers if residents are placed next to existing industrial uses per Policy 5.19.

As described in the TASP FEIR, construction noise impacts would vary depending on proximity to sensitive receptors, the presence of intervening barriers, and the number, types, and duration of construction equipment used. Compliance with the General Plan and TASP policies would ensure that construction noise impacts would be less than significant.

The City's Noise Abatement Ordinance would restrict construction hours from 7:00 a.m. to 7:00 p.m. The City's General Plan Policy 6-I-13 would minimize construction noise impacts by restricting the hours of operation, technique, and equipment used. Additionally, the TASP Policy 5.15 requires that construction noise be mitigated to the extent feasible to reduce exposure of sensitive receptors.

The proposed project would not result in any new or more significant construction-period noise impacts than were described in the TASP FEIR. Implementation of the Noise Ordinance, the City of Milpitas General Plan, and the TASP, as included in the TASP FEIR, would reduce construction noise impacts to a less-than-significant level.

Construction Groundborne Vibration Impacts

Construction activities are known sources of groundborne vibration. Vibration impacts could occur during construction of the proposed project, which would require the use of heavy excavation equipment, and the possible use of pile-driving equipment. To determine potential construction vibration impacts, an impact evaluation is described below.

When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. Vibration levels, different from noise levels, are written as vibration velocity decibels (VdB). However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). Therefore, for purposes of this analysis, project-related impacts are expressed in terms of PPV.

Typical groundborne vibration levels measured at a distance of 25 feet from heavy construction equipment in full operation, such as vibratory rollers, range up to approximately 0.210 PPV. Based on the Federal Transit Administration (FTA) data, large bulldozers generate 0.089 PPV at 25 feet and small bulldozers generate 0.003 PPV at 25 feet. Loaded trucks generate 0.076 PPV at 25 feet, an impact pile driver generates 0.644 PPV at 25 feet, and a sonic pile driver generates 0.170 PPV at 25 feet. Except for the impact driver, these vibration levels would not be expected to cause damage to residential buildings of typical northern California construction.

As stated in the TASP FEIR, the proposed project is mixed-use and therefore could expose sensitive receptors to unacceptable levels of groundborne vibration, specifically from Amtrak and freight trains along the Union Pacific Railroad (UPRR) tracks, including the spur line, and from the operation of BART trains along the proposed BART expansion into the TASP Area. Vibration analysis conducted for Santa Clara Valley Transit Authority's BART Expansion SEIR indicated that vibration impacts at existing receptors approximately 100 feet from the centerline of the proposed tracks in the Planning Area would be mitigated to a less-than-significant level (less than the 72 VdB significance threshold for frequent events affecting Category 2 land uses) by either using a floating slab track or by using tire derived aggregate under ballasted track.[8] As this mitigation would reduce vibration at the source, future residential uses proposed along the BART alignment would also experience less-than-significant vibration impacts. In addition, the TASP includes policies that would ensure that vibration levels within buildings would be less than significant.

The proposed project would not result in any new or more significant groundborne vibration impacts than were described in the TASP FEIR. Implementation of TASP policies would reduce potential groundborne vibration impacts on future or existing sensitive receptors to less-than-significant levels.

Operational-Period Impacts

The project would result in an increase in people living close to transit stations which could expose sensitive receptors to higher noise levels from train and future BART activity. However, this condition would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

Stationary Noise Source Impacts

The proposed long-term use of the project site is mixed-use transit oriented development. Potential long-term stationary source impacts at the project site would be primarily associated with transportation activities and operations associated with delivery truck activities. The proposed

[8] Transportation Authority, Santa Clara Valley, 2010. *BART Silicon Valley Environmental Impact Report.* November.

commercial uses could result in noise from mechanical equipment and other on-site sources (e.g., air-conditioning or other mechanical ventilation equipment, delivery loading docks or areas, emergency generators), which would create noise at the nearby sensitive receptors. However, the proposed project would not increase stationary source noise impacts above those analyzed in the TASP FEIR.

Aircraft Noise Source Impacts

According to the City's current and projected noise contours for San José International Airport, the project site is not within an area exposed to aircraft noise levels greater than 60 dB CNEL. Therefore, per TASP FEIR analysis, aircraft noise would have no impact on the project site.

Traffic Noise Impacts

Although the proposed project would result in an increase in traffic noise levels over existing conditions on the street network in its vicinity, it would not result in any additional or more severe noise impacts than were addressed in the TASP FEIR. Policies included in the TASP and the City's General Plan would ensure that traffic noise impacts would be less than significant.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.*
- *Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.*
- *Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.*
- *Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.*
- *Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.*
- *Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.*

- *Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.*
- *Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.*
- *Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.*

TASP Policies

- *Policy 5.10, 5.11, 5.13, 5.14, 5.15, 5.18 and 5.19: See policies in Section X, Land Use and Planning.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*

CONCLUSION

The TASP FEIR adequately evaluated the noise impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION

The proposed land use changes and policy revisions under the TASP (which includes the project site) were initiated in order to develop high-intensity, transit-oriented residential and commercial redevelopment on under-utilized industrial land around existing light rail stations and the future BART station in Milpitas. Promoting such high intensity development around transit stations is a key transportation goal for the Bay Area and would meet regional objectives.

The TASP FEIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the TASP Area. The TASP FEIR assumes that the population growth is concentrated in this area and that the TASP would increase the City's housing stock by 39 percent and its population by 28 percent based on 2006 estimates from the California Department of Finance.[9]

The District project would develop seven land parcels with a combination of mixed-use buildings and high-density residential. The proposed project includes the development of up to 1,169 residential units, 83,842 square feet of retail space, and one 175-room hotel. The project would directly generate a permanent population increase in the area. The project would not displace a residential population or existing housing, as the existing structures on the project site contain or formerly contained industrial uses. Similarly, the project would not result in an expansion of urban services, nor would it open additional undeveloped land for future growth. It would facilitate the reuse of underutilized land in an existing urban setting that is well served by transit facilities and services. In addition, the population and housing units proposed by the project would fall within the total development anticipated by the TASP FEIR. Therefore, the proposed project would not result in new or more significant population growth and/or housing impacts than were analyzed and described in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The TASP FEIR adequately evaluated the population and housing impacts of The District project.

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[9] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

DISCUSSION

Fire and Police Protection

The applicant would construct the proposed project in conformance with current building codes, which require features to reduce potential fire hazards. The Milpitas Police Department would also review project design to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the TASP FEIR, full buildout of the development approved in the TASP Area, including the proposed project, would incrementally increase the need for fire and police protection services, which would create the need for additional staffing or resources, and a new fire station in the TASP Area. The TASP FEIR states that given that the TASP Area anticipated population of 18,000 new residents, there would be a need for at least one and possibly two new fire companies. Future development of new fire or police facilities in the TASP Area would require supplemental project-specific environmental review.

The TASP presents unique operational issues for the Milpitas Fire Department due to its high density residential and mixed-use structures. The increase in population, business, and vehicular traffic resulting from the buildout of the area will increase the demand in service levels and has the potential to impact response times, as well as presenting challenges to Fire Department vehicle access and firefighting operations. To maintain current levels of service, an increase in staffing and equipment will be necessary. A "standards-of-cover" analysis should be conducted to determine the precise impact on the Fire Department's staffing, equipment and any required facility enhancements. In

addition, the Milpitas Fire Department would need to write an addendum to the City's emergency management plan to address the development of the TASP Area.

As the TASP FEIR states, the buildout of the TASP Area, including the project site would require an increase in Police Department staffing to maintain current levels of service. The City currently provides a ratio of 1.46 police officers per 1,000 residents. The City estimates that an additional 26.3 police officers would be needed to maintain service levels.

The District project would follow policies that would reduce Fire and Police Department impacts due to TASP development to less-than-significant levels. The proposed project would not result in any new or more significant impacts to fire or police protection service beyond those identified in the TASP FEIR.

Schools

The proposed project would develop 1,169 new residential units within the TASP Area, which would directly increase the demand for school facilities. The closest schools to the project site are Northwood Elementary and Morrill Middle School within the Berryessa Union School District and Independence High School within the East Side Union High School District. The TASP FEIR determined that buildout of the TASP, including the project site, would contribute significantly to an exceedance of school district capacity for Milpitas Unified School District and East Side Union High School District, but that Berryessa Union School District has adequate capacity for future students generated as a result of the TASP. As such, the TASP FEIR determined that the impacts of the TASP Area buildout on school facilities would be significant and unavoidable.

Polices in the General Plan, Midtown Plan, and TASP would reduce the impact and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and consider joining use agreements for potential shared facilities. The proposed project would conform to the above policies, including TASP Policy 4.76. The proposed project has identified a school site adjacent to Houret 1 and Houret 2, which are two planning areas on the project site. The proposed project has been designed to be compatible with the proposed school site. Impacts to schools are significant and unavoidable and the proposed project would not affect this conclusion. The proposed project would not result in any new or more significant school impacts beyond those identified in the TASP FEIR.

Parks

Given that the TASP Area is transitioning from industrial to residential and that there are no public parks located nearby, new parks would need to be developed in the TASP Area. Since Milpitas is largely built out, no large new parks are likely to be established. Public parks in the TASP Area come in three forms: Parks/Plazas, Linear Parks, and Landscape Buffers. The City has previously adopted a public park ratio of 2.0 acres per 1,000 residents for the Midtown Specific Plan. The TASP FEIR states that while this ratio already applies to all but 12 percent of the TASP Area, the application of this ratio can be considered to provide an adequate level of parks and open space for its residents. This policy would require approximately 35.8 acres of public park space in the TASP Area.

The TASP FEIR identifies several policies and standards that require parks to be built as designated – thereby ensuring that impacts on parkland and facilities would be less than significant.

The proposed project would conform to the TASP policies. The proposed project would provide an urban plaza at the corner of McCandless Drive and Market Street consistent with the identification of a public plaza along this area shown in Figure 3-6 of the TASP and Policy 3.52, and would provide landscaped buffers, landscaped pedestrian paseos, and pedestrian walkways and bike trails consistent with Figure 3-6 and pursuant to TASP Policy 3.40. The project would also pay its fair share of in-lieu park fees for new development pursuant to TASP Policy 3.41. Finally, consistent with TASP Policy 3.54, the project would accommodate two pedestrian bridges over Penitencia Creek, and would provide an area along Montague Parkway for a "landing area" for the pedestrian bridge over Montague Parkway pursuant to TASP Policy 3.56.

Therefore, the proposed project would not result in any new or more significant impacts to park facilities beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 2.c-I-1: Continue working with Milpitas Unified School District (MUSD), Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.*
- *Policy 2.c-I-3: Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fees when necessary to comply with statutory changes. Following this policy will permit the MUSD to update school fees for developers to cover the cost of constructing a new school and expanding Milpitas High School.*
- *Policy 5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.*

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.41: Park land dedication and in-lieu fees required of new development.*
- *Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half streets if bordering an adjacent development site).*
- *Policy 3.48: The park along Penitencia Creek East Channel shall provide a pedestrian path along the creek; BBQ's; a tot lot; open space areas for Frisbee and similar informal recreation, and other passive recreation facilities.*

- *Policy 3.52: Provide a plaza or other type of public space in the Mixed Use District at Great Mall Parkway/McCandless Drive/Centre Point.*
- *Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways. These bike/pedestrian trails will connect into the citywide trail network, pedestrian overcrossings of expressways, and the Transit Area's continuous network of bike lanes. They will be located on both sides of Lower Penitencia Creek and on the east side of the Union Pacific railroad tracks that run between Main Street and McCandless Drive.*
- *Policy 3.55: Complete a Trail Loop connecting the whole Transit area.*
- *Policy 3.56: Connections shall be created along Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.*
- *Policy 3.57: All properties along the trail network will need to set aside land for trails. This land will count towards the required public park land dedication requirement. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land or development sites.*
- *Policy 5.3: All streets (private and public) shall be consistent with the street sections in Chapter 5 of the TASP and shall meet any additional Milpitas Fire Department fire apparatus design requirement for access and firefighting operations.*
- *Policy 6.43: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.*
- *Policy 6.46: The City and the school districts located in the Specific Plan area should consider entering into a joint use agreement, allowing public use of a new school's playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the TASP's public parks requirement. The school building should include facilities that can be accessed and used for community events.*
- *Policy 6.50: The Fire Department shall conduct a 'standards of cover" analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional fire department staff will be hired, equipment purchased and facilities built to provide an adequate level of service – as determined by City Council – for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*
- *Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.*

- *Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development and future traffic levels, into account.*
- *Policy 6.54: Additional police staff will be hired and equipment purchased to provide an adequate level of service – as determined by City Council – for residents, workers and visitors of the of the Transit Area. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*

CONCLUSION

The TASP FEIR adequately evaluated the public service impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

DISCUSSION

The proposed project would generate a residential population that would increase demand for park and recreational facilities. The proposed project would conform to TASP policies identified in Section XIV, Public Services. To meet these standards and policies, the proposed project would provide an urban plaza at the corner of McCandless Drive and Market Street consistent with the identification of a public plaza in this area shown in Figure 3-6 of the TASP and Policy 3.52, and would provide landscaped buffers, landscaped pedestrian paseos, and pedestrian walkways and bike trails consistent with Figure 3-6 and pursuant to TASP Policy 3.40. The project would also pay its fair share of in-lieu park fees for new development pursuant to TASP Policy 3.41. Finally, consistent with TASP Policy 3.54, the project would accommodate two pedestrian bridges over Penitencia Creek, and would provide an area along Montague Parkway for a "landing area" for the pedestrian bridge over Montague Parkway pursuant to TASP Policy 3.56.

In addition, the proposed project would include approximately 89,914 square-feet of shared open space for future residents.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the Specific Plan]. Minor adjustments to the location of parks may be necessary to facilitate a better site plan, respond to site specific constraints, or to accommodate phasing of a project. Smaller parks may be combined to form a larger neighborhood park within the same subdistrict as long as there is no reduction in park area. Complete elimination or relocation of a park outside of a subdistrict requires an amendment to the Specific Plan. If a school is located on a site designated as a park, it may be counted as a park if a joint use agreement is established to allow public use of open space and buildings for recreation purposes after school hours and on weekends. If no such joint use agreement is established, an alternative park site shall be designated.*
- *Policy 3.41 and 3.43: See policies in Section XIV, Public Services.*
- *Policy 3.45: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis.*
- *Policies 3.48, 3.54, 3.55, 3.56, 3.57: See policies in Section XIV, Public Services.*

CONCLUSION

The TASP FEIR adequately evaluated the recreation impacts of The District project**.**

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

DISCUSSION

This section compares traffic impacts from the proposed project with impacts identified in the TASP FEIR. Pirzadeh & Associates prepared the Traffic Operations Analysis[10] (TOA) to evaluate localized and site access traffic improvements for the proposed project. Pirzadeh & Associates wrote a memorandum that explained how the TOA remained valid for a relatively small increase in project trips and clarified the analysis of retail uses.[11]

[10] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised)*. September 10.

[11] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units*. October 13.

Trip Generation

The TOA uses trip generation rates and site trip generation calculation procedures from the TASP. The trip generation data are used to assign trips to project driveways and adjacent streets and to conduct a site access operational analysis.

Intersection Level of Service Impacts

The TOA identified nine intersections and/or driveways for inclusion in the analyses of the proposed project. The traffic analysis used the March 5, 2012, TJKM Analysis (2030 peak hour) as the basis of data and trip distribution for the project site. The project TOA updated the 2012 peak hour analysis to include development from the proposed project and adjacent sites. The traffic analysis performed an HCM (Highway Capacity Manual) traffic simulation for the nine identified intersections and/or driveways. All of these modelled intersections would operate at level of service D or better. Based on this finding, no further project-specific improvements would be necessary.

The TOA also used the HCM traffic simulation to analyze vehicle queuing for turn lanes at the study locations. At Centre Pointe Drive and Great Mall Parkway, the northbound left-turn queue would extend beyond the left-turn pocket length. However, the queue would not extend back to Market Street and would not obstruct any left-turn movements within this segment of Centre Pointe Drive. The queue analysis shows that the proposed lane configuration at other study intersections could accommodate the expected queue. The proposed project would not require any modifications beyond those proposed by the project to accommodate vehicle queues.

Site Circulation and Access

The project proposes two new access driveways for Lot 3/Centre Pointe Site A. One driveway is proposed as right-turns-in only off of Great Mall Parkway and the second driveway is a right in/out off of Centre Pointe Drive. The project includes a right-turn lane for the Great Mall Parkway access driveway. The project would prohibit left turns into or out of the Centre Pointe Driveway.

The project proposes to modify access to Lot 2 off of McCandless Drive, south of Market Street. This modification would separate the Lot 2 access from the Lot 1 access across McCandless Street at Market Street. The project would also modify Market Street to provide two-way traffic to facilitate circulation and access in the vicinity of The District.

Pedestrian, Bicycle, and Transit Facilities

As indicated in the TASP FEIR, the current sidewalk network within the TASP Area is deficient and will not meet future demand generated by new and higher density land uses. The TASP includes: (1) sidewalks on both sides of all existing and proposed streets in its area, (2) pedestrian links between various uses such as connections to open space, and (3) a multi-use path along Penitencia Creek.

The TASP also included two pedestrian bridges; one would be adjacent to the project site over Montague Expressway at Penitencia Creek. The TASP would also separate sidewalks on high speed streets from traffic by a landscaped buffer.

Bicycle circulation was shown as lacking on Trade Zone Boulevard which is not within the project area. Based on measures included as part of the TASP, bicycle circulation would be improved.

Development due to the TASP would generate additional transit trips that existing and planned bus, light rail, and BART transit lines would be able to accommodate. Impacts from development of The District were also analyzed for the TASP analysis. The proposed project would not cause any additional or more severe impacts to sidewalks, bicycle circulation, or transit services than were identified in the TASP FEIR.

TASP Policies

- *Policy 3.12: Preserve adequate right-of-way along Capitol Avenue, Great Mall Parkway, and Montague Expressway to accommodate funded future regional roadway improvements including an urban interchange at Montague Expressway/Great Mall Parkway and the future widening of Montague Expressway to eight lanes as required with development of the Transit Area Plan.*
- *Policy 3.15: Review individual development applications to ensure that adequate street right-of- way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5.*
- *Policy 3.28: See this policy in Section VII, Greenhouse Gas Emissions.*
- *Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.*
- *Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements. Individual developments within the Transit Area are required to prepare a traffic impact analysis to identify their fair share contribution toward the impacts and mitigation measures covered by the fee.*
- *Policy 6.33: The City shall establish and assess a transportation impact fee program, known as the Transit Area Plan Traffic Fee, to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.*

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The TASP FEIR adequately evaluated the transportation impacts of The District project. The proposed project would be required to comply with TASP policies related to transportation including the traffic impact fees and City of Milpitas 2008 CFD (TASP Area) tax rates.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

DISCUSSSION:

Wastewater Treatment Requirements

As the TASP FEIR describes, the City's Main Pump Station has a wet weather capacity between 42 and 45 million gallons per day (mgd) and the City does not expect buildout of the TASP, including the project site, to cause the City's overall wet weather flow to exceed this capacity (TASP Impact 3.11-3).[12] The City plans to make improvements to the Main Sewage Pump Station, not as a result of the buildout of the TASP, but as a result of overdue maintenance and seismic deficiencies. The TASP FEIR determined that the buildout of the TASP would result in an increase in wastewater flow and several new improvement projects to sewer pipelines would be required.

The TASP FEIR also determined buildout of the TASP would create sewer flows that when combined with other cumulative growth and development within the City would exceed the City's contracted capacity at the Water Pollution Control Plant. However, because the proposed project is smaller than what was evaluated in the TASP FEIR, it would not result in any new or more severe impacts related to wastewater capacity and infrastructure than those previously analyzed.

Stormwater Drainage Facilities

The TASP would require the development of new storm drainage infrastructure as outlined in the 2001 Storm Drain Master Plan.[13] No additional improvements were found to be needed beyond those identified in the 2001 Storm Drain Master Plan. The potential impacts associated with storm drainage facilities from the proposed project would not be greater or more severe than those identified in the TASP FEIR.

Water Supply

The TASP FEIR determined that the buildout of the TASP, including the project site, would increase water demand at buildout by 1.1 mgd. The buildout of the TASP would exceed capacity of the existing turnout delivering water from the SCVWD system during the peak hour demand period. This increase in demand would require improvements to the existing water infrastructure both within the TASP Area and affected pressure zones.

TASP Policy 6.22 would ensure that less-than-significant impacts associated with water supply would occur. The TASP FEIR concluded that this water demand will be adequately served by water supplies from current sources in addition to offsets by the supplies available from the SCVWD, the ability to run emergency wells, and an increased use of recycled water. The TASP provides policies which require the use of recycled water.

[12] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

[13] Milpitas, City of, 2001. *Storm Drain Master Plan.* July.

The proposed project would conform to TASP policies that would reduce the impact to a less-than-significant level and would not result in greater growth on the project site than anticipated by the TASP FEIR. Impacts of the proposed project would not result in any greater impacts than those identified by the TASP FEIR.

Solid Waste

Buildout of the TASP Area would result in an increase in the amount of solid waste due mainly to the increase in residential uses. The TASP FEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving the TASP Area, including the project site, for at least 30 more years. The proposed project would conform to TASP policies and would not result in any new or more severe impacts beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 6.8: Construct the improvements to the wastewater collection system within the TASP Area that were identified in the 2007 Sewer Master Plan Update.*
- *Policy 6.13: Provide water supply for the Specific Plan area from the Santa Clara Valley Water District.*
- *Policy 6.18: Construct recycled water mains along Great Mall Parkway, Capitol Avenues, Montague Expressway, Sango Court and into the Piper/Montague subdistrict as shown in Figure 6-3 of the TASP.*
- *Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.*
- *Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.*
- *Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development within the TASP Area.*
- *Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.*

XVIII. PREPARERS AND REFERENCES

PREPARERS

LSA Associates, Inc.
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Judith H. Malamut, AICP, Principal-in-Charge
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Corissa Bellis, Air Quality and Noise Specialist
Nicole Catalano, Planner
Patty Linder, Graphics and Production
Charis Hanshaw, Word Processor

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Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units Memorandum*. October 13.

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ATTACHMENT D

Appendix C: Development Checklist

DEVELOPMENT CHECKLIST

The following checklist has been developed to assist project applicants and City staff to determine whether a proposed project complies with the Climate Action Plan.

If the proposed project's expected GHG emissions were not considered in the GHG emissions 2020 and 2035 forecast included in **Appendix A** of the CAP, this checklist is provided for informational use but may not preclude preparation of separate GHG analysis for the project. Examples of projects that may not be incorporated into the City's forecast include stationary source emissions regulated by the Bay Area Air Quality Management District, General Plan amendments, new specific plans that exceed the City's proposed population and job growth forecasts, and GHG emissions used in specific manufacturing processes that are not easily tracked at a community-wide level.

PROJECT DESCRIPTION/CHARACTERISTICS

Please identify the applicable land uses included in the proposed project and provide a brief description of the proposed project (or the project description to be used for the associated environmental document).

Identify the applicable land uses:

☒ Residential ☒ Commercial ☐ Industrial ☐ Manufacturing ☒ Other

Project Description:

The proposed project is located on an approximately 27-acre site is located in the southwestern portion of the City of Milpitas. The irregularly-shaped project area is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad alignment to the west. The project site encompasses the following addresses: 1463, 1515, 1557 and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive.

The project consists of the demolition of all existing structures and associated pavements on the site and grading and construction of 1,169 residential units, 83,842 square feet of ground floor retail, one hotel with 175 rooms, and associated landscaping and parking.

The project is located within the Transit Area Specific Plan (TASP) area.

ATTACHMENT D

Appendix C: Development Checklist

Amendments Requested

Does the project require an amendment to any of the following planning documents?

General Plan:	☒ Yes ☐ No ☐ Not Sure
Midtown Specific Plan:	☐ Yes ☒ No ☐ Not Sure
Transit Area Specific Plan:	☒ Yes ☐ No ☐ Not Sure

GHG Emissions Incorporated Within City GHG Forecast

Was this project, and its potential GHG emissions sources, considered in the City's GHG inventory and forecast?

☐ Yes ☐ No ☒ To be determined by staff

Project Sources of GHG Emissions Considered in City Inventory

Identify the activities and sources of GHG emissions anticipated by the proposed project during either the construction or operational phases of the project.

Potential GHG Emissions Sources:		
☒ Electricity Use	☒ Res./Comm./Ind. Waste	☒ Gasoline or Diesel Use
☒ Natural Gas Use	☒ Wastewater Disposal	☒ Transportation (On-Road)
☒ Const. & Demolition Waste	☒ Water Use	☒ Off-Road Equipment
☐ Other _____		

Applicable Measures/Compliance

Identify in the checklist below the applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's Climate Action Plan.

ATTACHMENT D

Appendix C: Development Checklist

Required Measures

This list includes measures and actions included in the CAP that are (1) required to be included in the project design and implementation and(2) currently being implemented by the City. By following these two conditions and meeting the requirements identified below, the project demonstrates consistency with the CAP. As the City implements additional CAP measures, they will be added to this list.

Measure	Action	Applicability	Compliance*
Waste reduction			☒ Yes ☐ No ☐ N/A
New multi-family development			☒ Yes ☐ No ☐ N/A
Bikeways master plan			☒ Yes ☐ No ☐ N/A
Municipal solar power purchase agreement			☐ Yes ☐ No ☒ N/A
Water conservation			☒ Yes ☐ No ☐ N/A
Recycled water			☒ Yes ☐ No ☐ N/A
Green building			☒ Yes ☐ No ☐ N/A

** All measures that are considered applicable on this list are required to be implemented in order to demonstrate consistency with the CAP.*

Recommended Measures

This list includes measures and actions identified in the CAP, or programs and regulations that have yet to be adopted by the City, which would apply to a project of this type. These measures should be included in the project design as feasible and, once implemented or adopted by the City, be included in the list of required measures above.

ATTACHMENT D

Appendix C: Development Checklist

Measure	Action	Applicability	Compliance*
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A

** All measures considered applicable on this list should be considered for implementation in order to demonstrate consistency with the CAP.*

Other GHG Reduction Measures Implemented

List and describe any additional measures that this project will incorporate to reduce GHG emissions that are not included in the CAP. If available, provide the estimated GHG reductions that would occur on an annual basis from implementing the measure, in $MTCO_2e$.

Additional Measure	Estimated Annual GHG Reductions ($MTCO_2e$)
Project is located across the street from a VTA light rail station and the new Milpitas BART station. The project's location will reduce vehicle miles travelled for the project's residents	TBD

RESOLUTION NO. _____ 2B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING GENERAL PLAN AMENDMENT GP15-0002 AND SPECIFIC PLAN AMENDMENT ST15-0001 FOR THE CENTRE POINTE AND HOURET COURT PROJECT LOCATED AT 1310-1360, 1400-1460 AND 1415-1475 MCCANDLESS DRIVE, 1463, 1501, 1507, 1515, 1536-1567, AND 1577-1601 CENTRE POINTE DRIVE, AND 231, 247-269, 274 AND 1757 HOURET COURT

WHEREAS, on June 16, 2015, Lyon Communities submitted an application to the City for the following entitlements:

(1) General Plan Amendment and Transit Area Specific Plan Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR) for a portion of Centre Pointe B;

(2) a Zoning Map Amendment to change the City's Zoning Map from MXD2 to R3 for a portion of Centre Pointe B and a corresponding TASP Zoning District Map (Fig 5-21) amendment to change the zoning district designation on the same 3-acre portion of the Centre Pointe B subarea site from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay);

(3) an amendment to the previously approved District One, Lots 2, 3 and 4 Site Development Permit SD11-0001 and Conditional Use Permit UP11-0037, both to eliminate Lot 3 from the District 1 project and replace the two mixed use buildings on Lots 2 and 4 (totaling 392 dwelling units and 6,000 square feet of commercial retail) with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on Lot 2; and

(4) a Site Development Permit, Major Vesting Tentative Maps, and a Conditional Use Permit to allow for the development of a 175 room hotel, a 423 dwelling unit building with 56,982 square feet of retail space and 355 for sale residential units with associated site improvements on 26.65 acres on Centre Pointe Drive and Houret Court parcels (APNs: 086-33-093, 086-33-101, 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-41-034, 086-41-033, 086-41-032, 086-41-009) located within the TASP area, and, more particularly, within the McCandless/Centre Pointe and Montague Corridor sub-districts of the TASP area (collectively, the "Centre Pointe and Houret Court Project" or "the Project"); and

WHEREAS, an Addendum to the TASP EIR has been prepared for the Project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on October 28, 2015, the Planning Commission held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and unanimously recommended approval of the Addendum and the Project to the City Council pursuant to adoption of Planning Commission Resolutions 15-035 and 15-036; and

WHEREAS, all proposed references and notices required by Government Code Sections 65352, 65353, 65356 and other legally-required procedures and notice provisions have been satisfied consistent with State law; and

WHEREAS, on November 17, 2015, the City Council held a duly-noticed public hearing and adopted a Resolution Adopting the Addendum to the previously certified Transit Area Specific Plan Environmental Impact Report prepared for the Project.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Compliance With CEQA. The City Council is hereby relying on the CEQA Addendum to the previously certified Transit Area Specific Plan Environmental Impact Report prepared for the Project in adopting the General Plan and Specific Plan amendments changing the land use designations.

SECTION 3. General Plan Amendment Findings. In support of the General Plan Amendment, and as required by Milpitas Municipal Code Section XI-10-57.02(G)(1), the City Council hereby finds:

i. The proposed amendment is internally consistent with those portions of the General Plan, which are not being amended. In particular, the proposed amendment is limited to a map amendment to change the land use designation of an approximately 3-acre area from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential. The 3-acre area is within the subarea of the TASP designated Centre Pointe B and lies immediately adjacent to other areas designated High Density Transit Oriented Residential and will allow the area to be developed consistent with the surrounding property. The proposed amendment will provide for greater land use compatibility with surrounding existing and proposed development. The proposed amendment does not change any other provisions of the General Plan and the General Plan would remain internally consistent.

ii. The proposed amendment will not adversely affect the public health, safety, and welfare. In particular, the proposed amendment changes the land use designation of an approximately 3-acre area to the same land use designation of the properties to the south and west. The proposed amendment would allow for land uses compatible with the surrounding and proposed development, and would not adversely affect public health, safety and welfare. Development pursuant to the proposed amendment would be required to comply with the development standards of the TASP, as such standards may be amended through issuance of a conditional use permit, and would be within the range of environmental impacts, e.g., traffic, air emissions, noise, etc., projected to occur from buildout of the TASP such that it would not result in adverse effects on public health, safety and welfare. The TASP is a component of the City's General Plan and is consistent with the City's General Plan. Development consistent with the TASP would be considered consistent with the General Plan as well.

SECTION 4. Specific Plan Amendment Findings. In support of the Specific Plan Amendment, and as required by Milpitas Municipal Code Section XI-10-57.02(G)(2), the City Council hereby finds:

i. The proposed specific plan or specific plan amendment is consistent with the goals, objectives, policies, and programs of the General Plan, and is necessary and desirable to implement the provisions of the General Plan. In particular, the Project proposes a General Plan Amendment and Specific Plan Amendment that would amend the land use designation for this area to High Density Transit Oriented Residential. The proposed amendments would allow this area to be developed under the same land use designation and largely the same development standards as the existing uses to the west of the area, and proposed uses to the south. The proposed amendment maintains the goals of the General Plan and TASP to promote high density residential development close to retail and commercial areas and close to transit, including the BART station and VTA light rail line.

ii. The uses proposed in the specific plan or in specific plan amendment are compatible with adjacent uses and properties. In particular, the proposed amendments would allow this area to be developed under the same land use designation and largely the same development standards as the existing uses to the west of the area, and proposed uses to the south. The proposed density of development would be compatible with existing and proposed surrounding residential development, and in carrying out the goals and objectives of the TASP would be compatible with proposed neighborhood serving retail and commercial uses proposed in the immediately surrounding area.

iii. The proposed specific plan or specific plan amendment will not adversely affect the public health, safety and welfare. In particular, the proposed amendments will allow this area to be developed at a density of development that would be compatible with existing and proposed surrounding residential development. Development pursuant to the proposed amendment would be required to comply with the development standards of the TASP, as such standards may be amended by issuance of a conditional use permit, and would be within the range of environmental impacts, e.g., traffic, air emissions, noise, etc., projected to occur from buildout of the TASP such that it would not result in adverse effects on public health, safety and welfare.

iv. The proposed specific plan amendment will not create internal inconsistencies within the specific plan. In particular, the proposed amendments are limited to map amendments to (1) change the specific plan land use

designation from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential for an approximately 3-acre area. The 3-acre area is within the subarea designated Centre Pointe B and lies immediately adjacent to other areas designated for development pursuant to the Multiple Family High Density with Transit Oriented Residential Overlay specific plan zoning and land use designations. The proposed amendments do not change any other provisions of the TASP and the TASP would remain internally consistent.

SECTION 5. General Plan Amendment Approval. Therefore, General Plan Amendment No. GP 15-0002, changing the land use designations for an approximately 3-acre area within the Centre Pointe B subarea from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential is hereby approved subject to the Conditions of Approval attached hereto as **Exhibit 1**. The map for the General Plan is hereby amended as attached hereto as **Exhibit 2.**

SECTION 6. TASP Amendment Approval. Therefore, Specific Plan Amendment No. ST 15-0001, amending the Transit Area Specific Plan (TASP) to change the land use designation of the same portion of Centre Pointe Site B discussed above from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential, is hereby approved subject to the Conditions of Approval attached hereto as **Exhibit 1**. The map for the Transit Area Specific Plan is hereby amended as attached hereto as **Exhibit 3**.

PASSED AND ADOPTED this _____ day of _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
GP15-0002 AND ST15-0001.
A request for amendments to the City's General Plan and Transit Area Specific Plan to rezone approximately 3 acres located at APN's: 086-33-086, 86-33-087)

General Conditions

1. PJ ACCOUNT: Owner or operator shall pay all project job account balance due to the City and all costs for consultant time, including all City Attorney time and cost. (P)

2. To the fullest extent permitted by law, Applicant shall indemnify, defend with counsel acceptable to the City in its reasonable discretion, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against and due and payable by the City, if any, including costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant or, City or both. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. City shall promptly notify the Applicant of any claim, action, or proceeding. If City fails to so promptly notify the Applicant, then the Applicant's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant. (CA)

(P) = Planning
(CA) = City Attorney

EXHIBIT 2
GENERAL PLAN AMENDMENT

EXHIBIT 3
TRANSIT AREA SPECIFIC PLAN AMENDMENT

2C

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT SD15-0006, USE PERMIT UP15-0010, AND MAJOR TENTATIVE MAPS MT15-0006, MT15-0007, MT15-0008 AND MT15-0009, INCLUDING A 12 MONTH TIME EXTENSION, AND APPROVING EXCEPTIONS TO THE MILPITAS MUNICIPAL CODE VIII-6-5.00 REGARDING SUPPLEMENTAL WATER USE RESTRICTIONS, FOR THE CENTRE POINTE AND HOURET COURT PROJECT LOCATED AT 1320 AND 1425 MCCANDLESS DRIVE, 1463, 1515, 1557, AND 1585 CENTRE POINTE DRIVE, AND 231, 247, 271 HOURET DRIVE, AND 1757 HOURET COURT

WHEREAS, on June 16, 2015, Lyon Communities submitted an application to the City for the following entitlements:

(1) General Plan Amendment and Transit Area Specific Plan Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR) for a portion of Centre Pointe B;

(2) a Zoning Map Amendment to change the City's Zoning Map from MXD2 to R3 for a portion of Centre Pointe B and a corresponding TASP Zoning District Map (Fig 5-21) amendment to change the zoning district designation on the same 3-acre portion of the Centre Pointe B subarea site from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay);

(3) an amendment to the previously approved District One, Lots 2, 3 and 4 Site Development Permit SD11-0001 and Conditional Use Permit UP11-0037, both to eliminate Lot 3 from the District 1 project and replace the two mixed use buildings on Lots 2 and 4 (totaling 392 dwelling units and 6,000 square feet of commercial retail) with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on Lot 2; and

(4) A Site Development Permit, Major Vesting Tentative Maps, and a Conditional Use Permit to allow for the development of a 175 room hotel, a 423 dwelling unit building with 56,982 square feet of retail space and 355 for sale residential units with associated site improvements on 26.65 acres on Centre Pointe Drive and Houret Court parcels (APNs: 086-33-093, 086-33-101, 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-41-034, 086-41-033, 086-41-032, 086-41-009) located within the TASP area, and, more particularly, within the McCandless/Centre Pointe and Montague Corridor sub-districts of the TASP area (collectively, the "Centre Pointe and Houret Court Project" or "the Project"); and

WHEREAS, an Addendum to the TASP EIR has been prepared for the project in accordance with the California Environmental Quality Act (CEQA), and;

WHEREAS, on October 28, 2015, the Planning Commission held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and unanimously recommended approval of the Addendum and the Project to the City Council; and

WHEREAS, on November 17, 2015, the City Council held a-duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and

WHEREAS, at the November 17, 2015 meeting, and at the close of the public hearing, the City Council adopted a Resolution Adopting the Addendum to the previously certified Transit Area Specific Plan Environmental Impact Report prepared for the Project, adopted a Resolution adopting General Plan Amendment GP15-0002 and Specific Plan Amendment ST15-0001 changing the respective land use designations from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR) for a portion of Centre Pointe B, and introduced for first reading, an ordinance amending the zoning map to change a portion of Centre Pointe B from MXD2 to R3 and implement a corresponding amendment to the Transit Area Specific Plan Zoning District Map (Figure 5-21) to change the zoning district designation on the same 3-acre portion of the Centre Pointe B subarea site from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay); and

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals.

The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Findings.

Pursuant to Section 57 of the Zoning Code, the City Council is required to make specific findings before approval of a Site Development Permit, Vesting Tentative Subdivision Map, and Use Permit. Findings shall identify the rationale behind the decision to take a certain action. Each code-required finding is analyzed below.

SECTION 3. Site Development Permit Findings.

In support of the Site Development Permit that will apply to all six subareas (District Lot 2, District Lot 4, District Centre Pointe Lot 3A, Centre Pointe B, Centre Pointe C, and Houret), and as required by Milpitas Municipal Code Section XI-10-57.03(F)(1), the City Council hereby finds that:

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The proposed project's site and design are consistent with the intent of the TASP policies and the TASP development standards. The project proposes the most intense development and uses along Great Mall Parkway (hotel, commercial and multifamily residential) with townhomes and loft residential product types provided in the interior areas of the project site adjacent to similar types of residential development. The proposed project provides for ground floor retail on Market Street which has been designed as a two-way street with on street parking to promote easy access to the retail uses along this corridor. The heights of the proposed structures are also consistent with the TASP by concentrating taller buildings and more intense uses, such as the hotel, along Great Mall Parkway with less intense residential uses within the interior of the site. The proposed project provides landscaped areas along all street corridors consistent with the TASP, and provides walkways and paseos that encourage pedestrian travel between the residential and commercial areas.

In terms of other pedestrian and walkway improvements, the project will set aside sufficient area along Montague in order to accommodate a land area for the pedestrian overcrossing that is contemplated under the TASP. Finally, the project proposes walkways throughout the project that connect to a proposed recreational trail segment along East Penitencia Creek that the project will provide.

2. The project is consistent with the Milpitas Zoning Ordinance.

The project is zoned:
Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
Mixed Use – Boulevard (MXD3)
Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
Multiple Family – High Density with TOD Overlay (R3-TOD)

The overall project density falls within the range of development contemplated under these zoning districts consistent with TASP Policy 3.8., which allows contiguous developments to build at higher or lower residential densities so long as the project's average density falls between the designated minimum and maximum. The project's average density is 43.64du/ac and is within the overall designated minimum and maximum densities allowed for the project area under the TASP which ranges from 37 to 59 du/ac. The project also implements and is consistent with the permitted uses, and the development standards set forth in the Milpitas Zoning Code. Where deviations from those development standards have been identified, those exceptions are addressed by the City pursuant to the provisions of the TASP which permit the City to grant

exceptions from strict compliance with the development standards through the issuance of a conditional use permit as detailed further below.

3. The project is consistent with the Milpitas General Plan.

The project's land uses will be developed consistent with the residential and commercial uses contemplated by the General Plan land use designations for the project area. The project's overall density and intensity of development is consistent with the goals and objectives for development of this area. A portion of the project area is designated for Transit Oriented Development which the General Plan notes is for areas located near transit stations, and provides for special requirements regarding development density, parking, mix of uses and transit supportive design features. The project provides for high density multi-family development, ground floor retail areas, a hotel and commercial uses all within proximity to similar residential neighborhoods and transit stations.

The project is consistent with the following General Plan Land Use Guiding Principles:

> *2.a-G-2: Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.*
>
> The project is an urban infill development project that redevelops an underutilized industrial business park area with residential and commercial uses envisioned by the TASP. It is designed as a high density residential development with commercial and retail uses that serve visitors as well as residents.
>
> *2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families.*
>
> The project provides a mix of residential development types and densities. It provides multifamily uses in densities ranging from 77 du/acre in 9 and 10-story buildings along Great Mall Parkway, to 4 and 5-story residential multi-family projects with ground floor retail to 3 and 4-story for sale townhomes. The project provides a variety of housing choices for individuals and families in Milpitas.
>
> *2.a-G-5: A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.*
>
> The project provides landscaped areas along all perimeters of the various subareas. It provides a new landscaped, gathering area/entry point at the corner of McCandless and Market Street, and an open greenspace between District Lot 4 and the adjacent existing residential development. In addition, the project provides landscaped paseos throughout the single family residential neighborhoods (Centre Points B and C and Houret), and proposes to vacate a street right of way for use by the school district for park and athletic fields. Finally the project proposes to construct a recreational trail segment along East Penitencia Creek consistent with the City's trail plans.
>
> *2.a.l-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.*
>
> The project is an urban infill redevelopment site within incorporated limits that is consistent with and implements the goals and objectives of the TASP.
>
> *2.a.1-31: Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike and take transit. Design streets and public spaces to create lively and attractive street character, and a distinctive identify for each subdistrict.*

The project provides a mix of residential, commercial and retail uses for residents and visitors in proximity to transit opportunities. The project provides landscaped walkways and paseos and trails to promote walkability and the use of bikes, including providing land to be used for a landing area for the future bridge over Montague, providing a recreational trail along the Creek, and a bridge over the Creek to link the residential areas to the school site.

2.a.1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.

The project implements the development standards and design guidelines in the TASP with only minor deviations that are more fully addressed through the issuance of a conditional use permit consistent with the requirements in the TASP.

4. In the case of a project located within a Specific Plan, the following additional finding shall be made:

The project is consistent with the Specific Plan.

The project implements the range of uses, the density of development and the development standards as set forth in the TASP. Where exceptions from TASP development standards have been identified, the project has provided for public benefits not otherwise obtainable through the strict application of the Zoning Standard. A list of the public benefits identified by the City and the project proponent is set forth in the City's staff report, and includes the following: development of a hotel that provides a new source of revenue (TOT) and new employment opportunities for the city; provision of land to construct a landing area for the proposed bridge over Montague; provision of a recreational trail link along East Penitencia Creek, and a new bridge connection over East Penitencia Creek. In addition, the exceptions requested do not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The project has been planned to encompass six subareas all of which are part of an overall master plan that concentrates retail and commercial development along the proposed Market Street corridor and in District 3A where the hotel will be developed and the highest intensity multifamily residential project will be built. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP.

SECTION 4. Major Tentative Map Findings.

In support of the Major Vesting Tentative Maps that will apply to four subareas (Centre Pointe Site A/District Lot 3, Centre Pointe B, Centre Pointe C, and Houret), and as required by Milpitas Municipal Code Section XI-1-20.01), the City Council hereby finds that:

1. The tentative subdivision map is consistent with the Milpitas General Plan and any applicable specific plan.

The subdivision provides the residential and commercial uses contemplated by the General Plan and Transit Area Specific Plan land use designations for the area. Where the density of residential uses may exceed the ranges of density contemplated by the General Plan and Transit Area Specific Plan, the City has determined that pursuant to TASP policy 3.8, the City may "Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum." The City finds that the average density of the six subareas within the project and the Site Development Permit is within the General Plan's designated minimum and maximum density and will condition the entirety of the project to ensure this remains the case.

In addition, per Government Code § 66473.1, the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

The project design incorporates various measures to provide for such opportunities. District Lots 2, 3A and 4 will have rooftop recreation decks, including softscapes (landscaping, trees, etc.) which account for a substantial portion of the roof area and reduces direct solar heat gain and urban runoff. The majority of facade windows on all residential units will be recessed to minimize direct sunlight. Moreover, over 850 trees are being planted to block solar exposure. In addition, flat roof design allows for easy installation of solar panels. All roof tops will be wired for solar panels and will be built to accommodate solar panel installation. Furthermore, all residential units will be designed to meet Title 24 requirements and CalGreen requirements. Where feasible, buildings are oriented in north/south direction to minimize direct solar exposure. Finally, all residential units will have operable windows for natural ventilation.

SECTION 5. Conditional Use Permit Findings.

A conditional use permit may be used to permit exceptions or deviations to the development standards in the TASP. The following exceptions were identified for the proposed project:

Feature	Standard	Proposed	Justification
District Building Lot 2			
Ground floor elevations relative to the public sidewalk	Maximum of 2' above public sidewalk	Varies between 2.6'-5'	Flood zone and hydrology for this area create this constraint.
Balconies	40 square foot balconies on all units	No balconies on 17 studio units	Ample common area amenities are provided throughout project. Balconies not provided for 17 studio units, as it will negatively impact architectural aesthetics.
District Building Lot 4			
Depth of ground floor commercial space	Typical: 75' Minimum: 60'	Provided: 31' – 45'; 44'-58' (when considering outdoor patio space)	It is assumed that many of the retail spaces will be used for restaurants. Wider tenant blocks are to be provided to make up for shorter depths. Generous outdoor patio spaces provided for outdoor seating which is also an offset to the lack of depth in the building space. Retailers will be encouraged to use this space to activate the retail promenade along both sides of Market Street.
Ground floor elevations relative to public sidewalk	Maximum of 2' above public sidewalk.	1.7'-5.5'	Flood zone and hydrology for this area create this constraint.
District / Centre Pointe Building 3			
Depth of ground floor commercial space	Typical: 75' Minimum: 60'	35'-90'; 50'-105' when factoring in patio dimension	It is assumed that many of the retail spaces will be used for restaurants. Wider tenant blocks are to be provided to make up for shorter depths. Generous outdoor patio spaces provided for outdoor seating which is also an offset to the lack of depth in the building space. Retailers will be encouraged to use this space to activate the retail promenade along both sides of Market Street.
Block size	Minimum: 2 acres Maximum: 4 acres	5.50 acres	Block is broken with public access through an urban retail plaza connecting Great Mall Pkwy to Market Street. Even with this separation, the smaller block (which includes the public plaza and hotel) is smaller than the 2 acre minimum.
Ground floor elevations	Maximum of 2' above	2'-6'	Flood zone and hydrology for this area create this constraint.

Feature	Standard	Proposed	Justification
relative to public sidewalk	public sidewalk.		
Balconies	40 square foot balconies on all units	No balconies on 30 two bedroom units	Ample common area amenities provided throughout project. Balconies not provided for 30 two bedroom units, as it will negatively impact architectural aesthetics and site layout.
Centre Pointe B			
Guest parking	21 spaces (onsite)	8 onsite 13 on-street	Parking requirement for project is exceeded by 32 spaces (more garage spaces provided than requirement). Also, while 13 spaces need to be accounted for "on-street", there are 70 on-street spaces available on the surrounding streets.
Setback (on Bond Street)	8'	7' (total setback deficiency of 563 square feet)	Accommodating walkway/paseo trails through the site resulted in site restrictions.
Centre Pointe C			
Guest parking	28 spaces	26 on-site 2 on-street	Parking requirement for project is exceeded by 54 spaces (more garage spaces provided than requirement). Also, while 2 spaces need to be accounted for on-street, there are 48 on-street spaces.

Per Milpitas Municipal Code Section XI-10-57.04(F), the following findings are required to be made in order to approve a conditional use permit:

1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare;

None of the deviations requested are detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare. The requested increases in the maximum elevation of the ground floor relative to the public sidewalk are a direct result of FEMA requirements that apply due to the project's location and are intended to, among other things, increase public safety. The reduction in balconies provided has no impact on property or improvements in the vicinity and poses no danger to the public health, safety, or welfare. A reduction in the depth of ground floor commercial space is offset by wider frontages and likewise has no detrimental or injurious impact on property or improvements in the vicinity of the project, and will have no impact on public health, safety, or welfare. An increase in the maximum block size is not detrimental or injurious to property or improvements in the vicinity and may even be beneficial in this regard, as the larger block will be bisected by publically accessible connections that will improve pedestrian circulation through the site. No detrimental impacts to public health, safety, or general welfare will result from such deviation. Reduced guest parking standards for a very small portion of the overall parking requirement have no deleterious impact on property or improvements, nor to the public health, safety, or general welfare, as the overall parking requirement for the project is exceeded by 32 spaces and the project, which is transit oriented, is extremely well-served by public transportation. Finally, a one foot reduction in the setback requirement on Bond Street is not detrimental or injurious to nearby properties or improvements, or the public health, safety, or welfare as the setback reduction is the direct result of planning multiple walkways and paseo trails through the site and still offers a protective 7' buffer.

The mix of uses proposed by the project are consistent with the range of uses contemplated by the TASP, including the development of a hotel within this area of the TASP in close proximity to the Great Mall as well as transit opportunities. The proposed density of development falls within the designated minimum and maximum residential densities for this area of the TASP. The number of residential units, commercial square

footage and hotel rooms are all within the ranges that were anticipated upon buildout of the TASP, and the environmental impacts of the development of the proposed project do not exceed the projections or analysis in the environmental impact report prepared for the TASP.

2. The proposed use is consistent with the Milpitas General Plan; and

See above re General Plan consistency findings. In addition, the City Council also finds that the proposed deviations are consistent with the General Plan as follows:

Land Use Policy 2.A.1-24 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each subdistrict.

The requested setback reduction is consistent with this policy in that it is the result of weaving pedestrian walkways and trails through the site, creating greater pedestrian connections. Reduced guest parking reflects the transit-oriented nature of the project and further develops the transit area in the spirit intended by the General Plan. A reduction in the depth of ground floor commercial space is offset by the wider frontages and outdoor seating, which is intended to activate the street.

Seismic and Safety Policy 5.b-G-1 Minimize threat to life and property from flooding and dam inundation.

Increasing the ground floor elevations relative to the public sidewalk is intended to reduce the threat to life and property from flooding and dam inundation.

3. The proposed use is consistent with the Milpitas Zoning Ordinance.

See above re Zoning Ordinance consistency findings.

4. In the case of a project located within a Specific Plan, the following additional finding shall be made:

The proposed use is consistent with the Specific Plan.

The project implements the range of uses, the density of development and the development standards as set forth in the TASP. Where exceptions from TASP development standards have been identified, the project has provided for public benefits not otherwise obtainable through the strict application of the Zoning Standard. A list of the public benefits identified by the City and the project proponent is set forth below. In addition, the exceptions requested do not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The project has been planned to encompass six subareas all of which are part of an overall master plan that concentrates retail and commercial development along the proposed Market Street corridor and in District 3A where the hotel will be developed and the highest intensity multifamily residential project will be built. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP.

The City further finds that the deviation from the Transit Area Specific Plan allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard. A list of the public benefits identified by the City and the project proponent includes the following:

Feature	**Description**	**Estimated Value**
Real property	Mapping of Dedication and Vacation of Houret Drive cul de sac for benefit of School District	$10,000 (in civil engineering fees)
Free shuttle	Hotel shuttle, seating 20-25 passengers,	Estimated startup cost of $100,00

Feature	Description	Estimated Value
service	providing service to project area on weekdays from 6-9 a.m., 11 a.m.-1 p.m., and 4-7 p.m., with designated stops within the project site, as well as stops at the BART station, VTA station, bus terminal, and Great Mall. An operating plan will be submitted for city staff review.	per shuttle Estimated Annual Cost of $150,000 per shuttle The feature would increase commerce to the Great Mall and on-site retail areas, increase use of BART and other local public transportation, decrease wear and tear on local streets, decrease parking demand, decrease pollution, and increase project marketability.
Bike share program	Participate in VTA bike share program providing rent-a-bike parking	Not yet calculated
Pedestrian bridge contribution	Contribution to funding of the pedestrian bridge over Penitencia Creek	$250,000
Fire equipment	Funding for a Fire Department Rapid Response Vehicle	$500,000

The City finds that the requested deviations from the TASP standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The project has been planned to encompass six subareas all of which are part of an overall master plan that implements the land uses and distribution of uses contemplated by the TASP by concentrating retail and commercial development along the proposed Market Street corridor and in District 3A where the hotel will be developed and the highest intensity multifamily residential project will be built. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP.

SECTION 6. City Council Approval.

1. Based on the foregoing, the City Council hereby approves Site Development Permit SD 15-0006, Use Permit UP 15-0010; Major Vesting Tentative Maps MT 15-0006, MT 15-0007, MT 15-0008 and MT 15-0009, and hereby grants an exception for proposed swimming pools on District Lot 2, 4 and District Lot 3/Centre Pointe A from the "Supplemental Water Use Restrictions" contained at VIII-6-5.00, including Sections 5.03 and 5.07 to allow for rooftop swimming pools that will provide an attractive amenity to proposed residents, visitors, as well as business travelers staying at the proposed hotel, all for the Centre Pointe and Houret Court Project subject to the above findings, and the Conditions of Approval attached hereto as **Exhibit 1**.

2. In approving Major Vesting Tentative Maps MT 15-0006, MT 15-0007, MT 15-0008 and MT 15-0009 for the Centre Pointe and Houret Court Project, the City Council also grants a 12-month extension to the 24-month life of the Vesting Tentative Maps, pursuant to Milpitas Municipal Code Section XI-1-30.07 and XI-1-4.06, for a total life of 36-months.

SECTION 7. Effective Date.

This Resolution shall become effective on the same date that the Zoning Amendment Ordinance (Ordinance No. 38.824) becomes effective, which is 30 days after the City Council's adoption date of the Zoning Amendment Ordinance.

PASSED AND ADOPTED this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
THE DISTRICT LOTS 2, 3, 4 AMENDMENT AND CENTRE POINTE LOT 3A, B AND C, AND HOURET COURT 1 AND 2 DEVELOPMENT PROPOSAL – GP15-0002; RZ15-0005; ST15-0001; EA15-0005; SD15-0006; MT15-0006, MT15-0007, MT15-0008, MT15-0009; UP15-0010.

GENERAL CONDITIONS

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This DEVELOPMENT PERMIT NO. SD15-0006, CONDITIONAL USE PERMIT UP15-0010, TENTATIVE MAP NO. MT14-0004 (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Department. (P)

2. The Permittee shall develop the approved project in conformance with the approved plans (dated _____), sample color and materials board approved by the City Council, in accordance with these Conditions of Approval. **(P)**

3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

4. Previous Planning Application. Previously approved Planning Applications for District One, Lots 2, 3 and 4, Site Development Permit SD11-009 and Conditional Use Permit UP11-0037 shall be rescinded and replaced completely with the adoption of this Resolution. **(P)**

5. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

6. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

7. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning Code, this Permit shall become null and void if the development is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, the term of which may be extended upon approval by the City or the filing of a final map, then the term of the permits shall coincide with the life of the map. Pursuant to Section XI-10-64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement is defined when the project:

    a. Completes a foundation associated with the project; or
    b. Dedicates any land or easement as required from the zoning action; or
    c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

8. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

9. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees or consultant time, including City Attorney time, the review of permits will not be initiated until the balance is paid in full.**(E)**.

10. Indemnification. The project applicant, and its heirs, successors, and assigns, shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the Project, including adoption of the CEQA Addendum, adoption of General Plan Amendment GP15-0002, Specific Plan Amendment ST15-0001, Rezone RZ15-0005, Site Development Permit No. SD15-0006, Conditional Use Permit No. UP15-0010, and Vesting Tentative Map Nos. 15-0006, 15-0007, 15-0009, and 15-0008, including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The applicant shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the project applicant of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the project applicant, or if City fails to engage in reasonable efforts to cooperate in the defense, then the project applicant's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The project applicant shall not be required to pay or perform any settlement unless the settlement is approved by the project applicant. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Maps Nos. 15-0006, 15-0007, and 15-0008, and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**

11. Compliance with Fire Department and CA Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the CA Fire Code as adopted by the City. Changes to the site plan and/or building(s) requires review and approval by the Fire Department.**(F)**

Conditions of Approval for All Subareas in the Site Development Permit

12. Prior to issuance of the first Building Permit within each subarea of the Site Development Permit (District Lot 2, District Lot 4, Centre Pointe B, Centre Pointe C, District Centre Pointe Lot 3A, and Houret), the Permittee shall submit project identification signs for the respective subdivision for review by the Planning Division. **(P)**

13. Prior to final map approval, Permittee shall submit the project Flood Study, demonstrating to the satisfaction of the City Engineer that the proposed development has NO adverse impact to the surrounding flood plain within the Special Flood Hazard Area and flood carrying capacity of the area. The study should include cumulative effects of all existing and proposed developments, as determined by City Engineering staff, (including, but not limited to, Integral, Lyon District 1, Montague Residential Project, DR Horton @ McCandless, Montague/Piper TASP sub-district, and the BART Project) demonstrating the combined effects will not increase the water surface elevation of the Base Flood (BFE) more than one/tenth of a foot at any point. Additionally, for the AO Flood Zone, the flood study is required in order to establish the BFE and development requirements. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS. **(E)**

14. Prior to final map approval, the Permittee shall submit a final grading plan and drainage study prepared by a registered Civil Engineer. The plans shall satisfy the conclusions and recommendations of the approved drainage study. **(E)**

15. Construction Storm Water Quality. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Milpitas Municipal Code (MMC), and the City's Clean Water Program. (E)

16. Construction General Permit Compliance. Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:

    A. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,

    B. a copy of the approved Notice of Intent (NOI) from the State Board, and

    C. an erosion control plan and a site monitoring plan meeting the satisfaction of the City Engineer.

    Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the City's Clean Water Program.

    Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project. For general information, contact the City of Milpitas Engineering Division at (408) 586-3325. (E)

17. The Permittee shall comply with Municipal Regional Permit (MRP) Order R2-2009-0074 and successor orders for post construction C3 provisions for new development and redevelopment regulated projects storm water treatment requirements, and National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009—0009 NPDES No. CAS000002 or as required by the Regional Board at the time Permittee submits the NOI for the project for pre-construction storm water treatment requirements.**(E)**

18. Prior to final map approval, Permittee shall submit a Storm Water Control plan that incorporates best management practices (BMPs) for treatments of stormwater run-off from all parcels. The Storm Water Control plan shall incorporate source control, site design and stormwater treatment requirements consistent with MRP requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current California Stormwater Quality Association (CASQA) BMP handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the City Engineer.

A. Permittee shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.

B. The Plan shall be prepared by a licensed Civil Engineer qualified and trained professional with storm water treatment process and certifies that measures specified in the report meet the MRP requirements.

C. Prior to issuance of Certificate of Occupancy, the Permittee shall submit a Storm Water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.

D. Permittee shall include in the approved covenants, conditions, and restrictions (CC&Rs) the requirement to provide the City with an annual inspection report of the Storm Water Control Plan post construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements.

E. Prior to final occupancy, the Permittee shall execute and record an Operations and Maintenance Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities.

F. Permittee shall comply with all "Model Conditions Of Approval For Stormwater Quality" as shown in the Stormwater Section of the Engineering Plans and Map Procedures and Guidelines, dated July 15, 2010 and are hereby incorporated as conditions of project approval. **(E)**

19. Water Supply and Force Majeure The City currently has adequate water supply and sewerage treatment plant capacity allocation for this land development project. The City reserves the right to suspend the issuance of building permits to implement this land use development, if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and the issuance of building permits will remain suspended until water and sewage capacity are available. Although vesting tentative maps have been approved for each subarea within the Site Development Permit which provides vested rights as defined in Government Code Section 66498.1, no vested right to the issuance of a Building Permit is acquired by the approval of this land development in the event the City's ability to deliver water and sewer treatment is affected by force majeure pursuant to the criteria set forth above. This condition of approval applies in case of an emergency declaration of water supply assurance in the case of a major catastrophic event that restricts City's assurance to provide water supply, or allocated treatment plant capacity. Pursuant to Government Code Section 66452.6, in the event the issuance of building permits is suspended due to lack of available water supplies, the period of time set forth as the term for the vesting tentative map in Government Code Section 66452.6(a)(1) shall be tolled for up to five years until said suspension is terminated. **(E)**

20. Water, Sewer and Storm Drain Studies. Prior to recordation of each final map, the Permittee shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for the final map subdivision. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the Permittee will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, as determined by the City Engineer. **(E)**

21. Solid Waste. Prior to building final inspection or building permit occupancy of any units, Permittee shall construct a new trash enclosure to serve the subdivision. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. The enclosure will be subject to the City's review/approval prior to construction of the enclosure. If the

facility cannot be accommodated within the building, then the exterior location, as shown in Sheet G005 of the project plans, will be refined by the applicant to meet superior design, materials, pavement, and landscaping qualities compatible with the adjacent future park development, subject to the City's review/approval prior to construction of the enclosure facility. Prior to any final map approval within the project a trash collection program must be submitted to and approved by the City. **(E)**

22. Per Chapter 200, Title V, Solid Waste Management, V-200-3.10,*General Requirement*, Permittee shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20*Owner Responsible for Solid Waste, Recyclables, and Yard Trimmings Collection Services*, Permittee shall subscribe to and pay for solid waste services rendered. Prior to any building permit issuance, Subdivider shall incorporate following solid waste services requirements to the satisfaction of the City Engineer:

A. Proposed solid waste enclosure shall be designed per the Development Guidelines for Solid Waste Services to house all necessary equipment. The access to the location and size of the enclosure shall be designed to the City Engineer's satisfaction and shown on the plans prior to building permit issuance. The enclosure drains must discharge to the sanitary sewer line. Storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.

B. The Permittee shall be responsible for solid waste management, including transfer of material to the compactors. Prior to final map approval, Permittee shall submit to the City (for review and approval) a written Solid Waste Handling Plan including detailed step-by-step instructions to manage solid waste from generation to disposal. The Plan shall state how the residential waste will be conveyed to the collection area for disposal. Show the path of travel for refuse. Demonstrate how recycling shall have a separately maintained process from garbage handling.

C. Prior to certificate of occupancy issuance, the Permittee shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Republic Services (formally BFI). After the applicant has full occupancy, the Permittee shall contact the Republic Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the Permittee shall increase the service to the level determined by the evaluation. **(E)**

23. Community Facilities District. Prior to final map approval, the Permittee shall submit an executed petition to annex the subject property into the CFD 2008-1, and agree to pay the special taxes levied by Community Facility District (CFD 2008-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and any invalidation or limitation of this condition invalidates the Permit. **(E)**

24. The final map shall be recorded prior to issuance of any building permit for the subdivision covered by that final map. Provide a current title report with the final map submittal, not more than 90 days old. **(E)**

25. The tentative maps and all final maps shall designate all common lots and easements as lettered lots or lettered easements. **(E)**

26. Property Management Association/Homeowners Association. Prior to final map approval for each subdivision, the Permittee shall establish the necessary Property Management Association (PMA) and/or Homeowners Association (HOA). The PMA/HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and the local and private streets within the project. The PMA/HOA shall manage the onsite water and sewer system and implement the Solid Waste

handling plan. This information shall be clearly included in the CC&Rs and recorded documents. The CC&Rs document shall be submitted for review and approval by the City Engineer.**(E)**

27. Prior to recordation of any final map, the Subdivider shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. **(E)**

28. All improvements plans shall be prepared using Vertical Datum of 1988 (NAVD 88). The specific city benchmark used for the project shall be indicated on the cover sheet of each improvement plan set**.(E)**

29. The Permittee shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes. **(E)**

30. Projects located in the TASP are required to use recycled water for landscape irrigation. All landscaping located within the building footprint shall be served by potable water. Street frontage landscaping shall be served by recycled water. The Permittee shall clearly delineate the potable irrigation service area and recycled water service areas on the plans and maintain necessary separation as required by the Division of Drinking Water of the State Water Resources Control Board (Division of Drinking Water). The HOA shall own and be responsible for maintenance of all landscaping and irrigation. The recycled water irrigation system shall be under the control of the HOA. (E)

31. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and Permittee shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements; the submitted digital format of the drawings shall be GIS ready. The Subdivider shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Milpitas Transit Area Specific Plan, and all public improvements shall be constructed to the City Engineer's satisfaction and accepted by the City prior to issuance of any first certificate of occupancy for the project.**(E)**

32. Connection Fees. The Permittee shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:

    A. Storm water connection fee
    B. Water connection fee
    C. Sewer connection fee
    D. Water Service Agreement(s) for water meter(s) and detector check(s)
    E. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire **(E)**

33. Transit Area Impact Fee. Prior to building permit issuance the Permittee shall pay a Transit Area Development Impact fee. The subject fee will be estimated at the time of subdivision Improvement Agreement and will be collected prior to building permit issuance.**(E)**

34. Development Fees. Prior to building permit issuance, Permittee must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee scheduled adopted by the City Council, including but not limited to, connection fees (water, sewer and storm), Transit Area impact fee, plan check and inspection deposit, and 2.5% building permit automation fee as approved by City Council Resolution No. 7590. These fees are part of the secured subdivision improvement agreement referred to in condition of approval number 31 herein.**(E)**

35. Undergrounding Utilities. In accordance with Milpitas Municipal Code XI-1-7.02-2, the Permittee shall underground all existing wires and remove the related poles within the proposed development and along the

street frontages, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state line voltage.**(E)**

36. Water Assessment Study. Multistory buildings as proposed will be required to prepare a water assessment study. Additional evaluations by Permittee will be required to assure proper water pressure is available for potable and Fire services. Prior to issuance of a certificate of occupancy for each multistory structure, the Permittee shall submit an engineering report detailing how adequate water supply pressures meeting City standards will be maintained. **(E)**

37. Encroachment Permits. It is the responsibility of the Permittee to obtain all necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, AT&T, Comcast, Santa Clara Valley Water District (SCVWD), Santa Clara County road and Airport Department, and Santa Clara Valley Transportation Agency (VTA). Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.**(E)**

38. Construction Schedule. Prior to start of any construction within District 2, District 4, VTM 15-006[Centre Pointe B], VTM15-007 [Centre Pointe C], VTM15-008 [District Lot 3A], and VTM15-009 [Houret], the Permittee shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The Permittee shall coordinate their construction activities with other construction activities in the vicinity of this project. The Permittee's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. **(E)**

39. Utility disconnections. All utilities shall be properly disconnected before the building can be demolished. Permittee shall demonstrate to City staff how the water service(s), sewer service(s) and storm service(s) will be disconnected prior to doing so. The water service shall be locked off in the meter box and disconnected or capped at main line in the street if the water meter is not to be used. The sanitary sewer shall be capped at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used. Unless otherwise noted, all utility stubs not utilized shall be capped at the main. **(E)**

40. Recycling Report. Prior to demolition permit issuance, the Permittee , shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:

    A. What materials will be salvaged.

    B. How materials will be processed during demolition.

    C. Intended locations or businesses for reuse or recycling.

    D. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Permittee shall make every effort to salvage materials for reuse and recycling and shall comply with all applicable City ordinances on construction and demolition debris.**(E)**

41. Recycling. Prior to building permit issuance, Permittee shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division. **(E)**

42. Recycling. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Subdivider, all to the satisfaction of the City Engineer or designee. The Permittee shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Permittee shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Permittee shall perform all recycling and/or disposal by removal from the job site.**(E)**

43. Sight Distance. The Subdivider shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed two (2) feet when measured from street elevation.**(E)**

44. Public Utilities. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. **(E)**

45. Encroachment Permit. Prior to any work within public right of way or City easement, the Permittee shall obtain an encroachment permit from City of Milpitas Engineering Division.**(E)**

46. Wastewater. If necessary, the Permittee shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755**(E)**

47. Water. In accordance with Chapter 5, Title VIII, of Milpitas Municipal Code, for new and/or rehabilitated landscaping 500 square feet or larger the Permittee shall:

A. Provide separate water meters for domestic water service and irrigation service. Permittee is also required to provide separate domestic meters for each proposed use (Residential, Food Services, Commercial/Office).

B. Comply with all requirements of Chapter 5, Title VIII of the Milpitas Municipal Code. Two sets of landscape documentation package shall be submitted by the Permittee to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection. Landscape planting shall be deferred until the on-site recycled water system is approved, constructed, and tested. The recycled water irrigation systems shall be split into several parallel systems to match the construction phasing in order to allow recycled water use at the final occupancy for each phase.

C. Contact the Land Development Section of the Engineering Division at (408) 586-3325 for information on the submittal requirements and approval process.

D. New landscaping shall comply with codes in effect at the time of building permit issuance unless otherwise provided by applicable law. **(E)**

48. Irrigation. Per Chapter 6, Title VIII of Milpitas Municipal Code; the landscape irrigation system must be designed to meet the City's recycled water guidelines and connect to recycled water system. To meet the recycle water guideline the Permittee shall:

    A. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape.

    B. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the California Department of Public Health (CDPH or Division of Drinking Water, as applicable, for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and state approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3325 to obtain copies of design guidelines and standards.

    C. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas. **(E)**

49. Landscape planting shall be deferred until the on-site recycled water system is approved, constructed and tested. The recycled water irrigation systems shall be split into several parallel systems to match the construction phasing in order to allow recycled water use at the final occupancy for each phase. (E)

50. Trees. Per Milpitas Municipal Code Chapter 2, Title X, the Permittee may be required to obtain a permit for removal of any existing tree(s). Contact the Public Works Department at (408) 586-2600, to obtain the requirements and forms. **(E)**

51. USA. The Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities. **(E)**

52. Postal. The Permittee shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review **(E)**

53. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s), in a form approved by the City, prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Pointe C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

54. Trail Improvements. The proposed Penitencia Creek Trail improvements shall be built to the SCVWD's and City's satisfaction.

55. Improvement Schedule. All public improvements and public infrastructure shall be constructed and completed prior to issuance of the first building permit. Improvements include, but are not limited to, curb, gutter, sidewalk, medians, third party utilities, street lights, street trees, utilities, pavement, and related water quality facilities. To implement this condition, Permittee shall perform a GPS survey of all water valves, manholes, underground bends, and record said data on record drawings.

56. All connections to the public water system shall be metered and protected with backflow devices in accordance with City standards. Separate on-site water systems owned and maintained by the property owners shall serve the project downstream of the master meters. The project is recommended to have two points of connection for each service to provide redundancy. Master meters shall be located in City right-of-way or public service utility easements. Water services shall have a straight alignment between the public

distribution system pipe and the water meter (no bends). A combined domestic and fire protection water pipeline is allowed. (E)

57. Locate fire hydrants on the public water system to the maximum extent possible. All hydrants shall be located on a dedicated service lateral. (E)

58. The Permittee shall design public and private utilities in accordance with State and City requirements. (E)

59. Coordinate plans showing landscape, utility, and hardscape to insure no conflicts exist. (E)

60. Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities. (E)

61. The City shall restore surface conditions to City standards (standard pavement, sidewalk, non-paved surfaces, etc) upon completion of infrastructure repair and/or replacement in City easements. The CC&R shall include the requirement that the HOA is required to restore HOA-owned infrastructure upon completion of City's repair/replacement. (E)

62. Unless otherwise noted and except as set forth in Government Code section 66474.2, City ordinances and other applicable law shall mean the requirements in effect at the time of building permit issuance.

63. The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes such as dust control and compaction. Landscape planting shall be deferred for any areas designated to use potable water, such as internal podium areas as described below. Water features such as pools and fountains, may not be filled until the drought is over.

64. Hydraulic modeling is required to verify capacity of both existing and proposed water system. Applicant to authorize City to proceed with hydraulic modeling as costs will be charged to Applicant's PJ Account.

65. All connections to the public water system shall be metered and protected with backflow devices in accordance with City standards. Separate on-site water systems owned and maintained by the property owners shall serve the project downstream of the master meters. The project is recommended to have two points of connection for each service to provide redundancy. Master meters shall be located in City right-of-way or public service utility easements. Water services shall have a straight alignment between the public distribution system pipe and the water meter (no bends).

66. Separate potable master water meters are required for the retail use, residential use, fire service, and landscaping located within a podium building footprint.

67. Townhome-style housing shall be served by master water meters at the connection to the public water system. A combined domestic and fire protection water pipeline is allowed.

68. Locate fire hydrants on the public water system to the maximum extent possible. All hydrants shall be located on a dedicated service lateral.

69. The Permittee shall install a 12 inch diameter public water main along Newberry Street between Bond Street and Centre Pointe Drive.

70. Water pipelines in these locations shall be public: McCandless Drive, Market Street between McCandless Drive and Bond Street, Bond Street between Market Street and Newbury Street, Newbury between Bond Street and Centre Pointe Drive, Centre Pointe Drive, Houret Drive, and the Off-Site Water System Improvements described elsewhere in this document. All other water pipelines shall be privately owned and maintained.

71. Hydraulic modeling is required to determine points of connection to the City's sanitary sewer system. Permittee to authorize City to proceed with hydraulic modeling as costs will be charged to Permittee's Project Job Account.

72. The on-site sewer system shall be privately owned and maintained by the property owners. The system shall be designed for sufficient capacity and ease of maintenance to minimize sewer blockages and spills. Provide grease interceptors for buildings with food service.

73. Sewer pipelines in these locations shall be public: McCandless Drive, Centre Pointe Drive, and Houret Drive. All other water pipelines shall be privately owned and maintained.

74. Show ultimate planned SCVWD creek levee build-out. Provide details such as trail drainage in compliance with SCVWD requirements.

75. All planting/landscaping within the building footprint shall be served by potable water. Due to the drought, all landscaping served by potable water shall be deferred.

76. All landscaping shall be owned, maintained, and operated by the HOA. Podium wrap buildings shall use recycled water for irrigation of street frontage landscaping and ground level landscaping located outside the building perimeter. Townhome projects shall use recycled water for common area landscape.

Conditions of Approval for District Lot 2

77. Improvement Assurance. Prior to issuance of the building permit for District Lot 2, the Permittee shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing median improvements for that portion of the median on McCandless Drive that is adjacent to District Lot 2, including the median improvements which will accommodate a left-in and left-out of the parking structure onto McCandless.

78. Landscape Irrigation. Prior to issuance of a grading permit for District Lot 2, a landscape irrigation plan shall be submitted for the landscaped areas within District Lot 2. (E)

79. Flood Management. The Proposed development is located within the Special Flood Hazard Zone AO (depth 1), and therefore shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code Federal Regulations and City's Flood Plain Management Regulations, City of Milpitas Code Title XI Chapter 15. Prior to issuance of a building permit for District 2, the Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain. The Permittee shall also obtain a Letter of Map Revision (LOMR) prior to issuance of the first certificate of occupancy for District Lot 2, and provide all elevation certificates prior to final building inspection or certificate of occupancy for any portion of the development. The proposed grading plan shown in the tentative map shall comply with the established BFE as determined in the final flood study report. (E)

80. Traffic. Prior to building permit approval for District Lot 2, the Permittee shall submit plans for approval by the City Traffic Engineer for a left turn in and left turn out off of McCandless.

81. Trail. Prior to submittal for building permit issuance, the Permittee shall submit multi-use trail plans to the Santa Clara Valley Water District for review and approval, and provide their comments to the City. **(E)**

82. Creek Trail. Prior to approval of a final map for District Lot 2, an access and joint use agreement between the City and the Santa Clara Valley Water District (SCVWD) shall be executed to allow construction and use of a recreational trail on SCVWD's right of way along the north bank of East Penitencia Creek. The trail shall connect to the trail that is shown on Final Map Tracts 10145 and 10148 also located within SCVWD right of way. The Permittee shall assume responsibility for maintenance of the trail in coordination with SCVWD. Regardless of whether or not the joint use agreement is executed, the Permittee shall convey on

the final map an access easement to the City over the east/west walkway on Centre Pointe which shall be used for trail purposes. The east/west walkway on Centre Pointe will only be used for trail purposes only if (1) City and SCVWD do not execute an access and joint use agreement; or (2) the access and joint use agreement were terminated in the future. Permittee shall assume responsibility for maintenance of the east/west walkway on Centre Pointe if it is used for trail purposes

Conditions of Approval for District Lot 4

83. Landscape Irrigation. Prior to issuance of a grading permit for District Lot 4, a landscape irrigation plan shall be submitted for the landscaped areas within District Lot 4.

84. Flood Management. The project is located within the Special Flood Hazard Zone AO (depth 1), and therefore shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code Federal Regulations and City's Flood Plain Management Regulations, City of Milpitas Code Title XI Chapter 15. Prior to issuance of a building permit for District 2, the Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain. The Permittee shall also obtain a Letter of Map Revision (LOMR) prior to issuance of the first certificate of occupancy for District Lot 4, and provide all elevation certificates prior to final building inspection or certificate of occupancy for any portion of the development. The proposed grading plan shown in the tentative map shall comply with the established BFE as determined in the final flood study report. (E)

Conditions of Approval for Centre Pointe B

85. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for Centre Pointe B, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0006.

86. Meter Location. Prior to approval of the final map, the Permittee shall submit plans showing the location of the master meter within the City's right-of-way or easement. (E)

87. Meters. Prior to approval of the final map, the Permittee shall submit plans showing numbered master (City) meters and BF devices, e.g., MM-1, MM-2, BFD-1, etc. (E)

88. Sewers. Prior to approval of the final map, the Permittee shall submit revised plans showing property line cleanout for all sewer laterals. (E)

89. Utility Abandonment. Prior to issuance of a grading permit, Permittee shall submit plans showing that all utility lines to be abandoned will be removed and backfilled. (E)

90. Landscape Irrigation. Prior to issuance of a grading permit for Centre Pointe B, a landscape irrigation plan shall be submitted for the landscaped areas within Centre Pointe B. (E)

91. Centre Pointe Drive: Prior to approval of the Final Map for Centre Pointe Site B and Centre Pointe Site C, the Permittee of Centre Pointe Site B and Centre Pointe Site C shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing the Project's share of roadway improvements for Centre Pointe Drive (including the segment of Centre Pointe Drive east of District Lot 3A and to the north of Centre Pointe Site C).

92. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s) prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Pointe C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

Conditions of Approval for Centre Pointe C

93. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for Centre Pointe C, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0007.

94. Meter Location. Prior to approval of the final map, the Permittee shall submit plans showing the location of the master meter within the City's right-of-way or easement. (E)

95. Meters. Prior to approval of the final map, the Permittee shall submit plans showing numbered master (City) meters and BF devices, e.g., MM-1, MM-2, BFD-1, etc. (E)

96. Sewers. Prior to approval of the final map, the Permittee shall submit revised plans showing property line cleanout for all sewer laterals. (E)

97. Utility Abandonment. Prior to issuance of a grading permit, Permittee shall submit plans showing that all utility lines to be abandoned will be removed and backfilled. (E)

98. Landscape Irrigation. Prior to issuance of a grading permit for Centre Pointe C, a landscape irrigation plan shall be submitted for the landscaped areas within Centre Pointe C. (E)

99. Creek Trail. Prior to approval of a final map for Centre Pointe C, an access and joint use agreement between the City and the Santa Clara Valley Water District (SCVWD) shall be executed to allow construction and use of a recreational trail on SCVWD's right of way along the north bank of East Penitencia Creek. The trail shall connect to the trail that is shown on Final Map Tracts 10145 and 10148 also located within SCVWD right of way. The Permittee shall assume responsibility for maintenance of the trail in coordination with SCVWD. Regardless of whether or not the joint use agreement is executed, the Permittee shall convey on the final map an access easement to the City over the east/west walkway on Centre Pointe which shall be used for trail purposes. The east/west walkway on Centre Pointe will only be used for trail purposes only if (1) City and SCVWD do not execute an access and joint use agreement; or (2) the access and joint use agreement were terminated in the future. Permittee shall assume responsibility for maintenance of the east/west walkway on Centre Pointe if it is used for trail purposes.

100. Creek Trail. Prior to submittal for building permit issuance, the Permittee shall submit multi-use trail plans to the Santa Clara Valley Water District for review and approval, and provide their comments to the City. **(E)**

101. Pedestrian Overcrossing. Permittee shall record a deed restriction, binding all successors and assigns, over an approximately 1,700 square feet area at the intersection of Montague Expressway and East Penitencia Creek, which shall be used to construct a landing area for a pedestrian bridge over Montague Expressway. (E)

102. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s) prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Pointe C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

Conditions of Approval for Houret

103. Houret Vacation. Prior to approval of the Final Map for Houret, the Permittee shall vacate that portion of Houret Drive currently identified for use and development as a cul de sac, and dedicate said portion to the Milpitas Unified School District.

104. Easement Dedication. Prior to approval of the Final Map for Houret, the Permittee shall convey a non-exclusive, 17-foot easement along the south side of East Penitencia Creek to the Santa Clara Valley Water District.

105. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for Centre Pointe B, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0008.

106. Meter Location. Prior to approval of the final map, the Permittee shall submit plans showing the location of the master meter within the City's right-of-way or easement. (E)

107. Meters. Prior to approval of the final map, the Permittee shall submit plans showing numbered master (City) meters and BF devices, e.g., MM-1, MM-2, BFD-1, etc. (E)

108. Sewers. Prior to approval of the final map, the Permittee shall submit revised plans showing property line cleanout for all sewer laterals. (E)

109. Utility Abandonment. Prior to issuance of a grading permit, Permittee shall submit plans showing that all utility lines to be abandoned will be removed and backfilled. (E)

110. Landscape Irrigation. Prior to issuance of a grading permit for Houret, a landscape irrigation plan shall be submitted for the landscaped areas within Houret. (E)

111. Easement Dedication. Prior to approval of the Final Map for Houret, the Permittee shall convey a non-exclusive, 5-foot easement for storm drain maintenance purposes to the City along the south side of East Penitencia Creek. Increase the width of the existing storm drain PSUE from 15 feet to 20 feet between the end of Houret Drive and Penitencia Creek.

112. Creek Trail. Prior to approval of a final map for Houret, an access and joint use agreement between the City and the Santa Clara Valley Water District (SCVWD) shall be executed to allow construction and use of a recreational trail on SCVWD's right of way along the south bank of East Penitencia Creek. The Permittee shall assume responsibility for maintenance of the trail in coordination with SCVWD.

113. Creek Trail. Prior to submittal for building permit issuance, the Permittee shall submit multi-use trail plans to the Santa Clara Valley Water District for review and approval, and provide their comments to the City. **(E)**

114. Trail Easement. The Permittee shall convey on the final map an access easement to the City over the east/west walkway on Houret which shall be used for trail purposes. The east/west walkway on Houret will only be used for trail purposes only if (1) City and SCVWD do not execute an access and joint use agreement; or (2) the access and joint use agreement were terminated in the future. Subdivider shall assume responsibility for maintenance of the east/west walkway on Houret if it is used for trail purposes.

115. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s) prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Pointe C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

116. Off-Site Recycled Water Improvements: Permittee shall install approximately 520 linear feet of 8 inch diameter public recycled water pipeline along the project's Montague Expressway frontage

(behind the back of curb of the ultimate travel lanes) from the end of the water main north of Penitencia Creek to the intersection of Montague Expressway and Houret Drive.

117. Off-Site Recycled Water Improvements: Permittee shall install approximately 520 linear feet of 8 inch diameter public recycled water pipeline along the project's Montague Expressway frontage (behind the back of curb of the ultimate travel lanes) from the end of the water main north of Penitencia Creek to the intersection of Montague Expressway and Houret Drive.

Conditions of Approval for District Lot 3A

118. Landscape Irrigation. Prior to issuance of a grading permit for District Lot 3A, a landscape irrigation plan shall be submitted for the landscaped areas within District Lot 3A. (E)

119. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for District Lot 3A, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0009.

120. McCandless Drive: Prior to approval of the Final Map for District Lot 3A, the Permittee of District Lot 3A shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing the Project's share of roadway improvements for McCandless Drive. Specifically, the segment of McCandless Drive immediately to the west of District Lot 3A, including the median improvements and left hand turn pocket from McCandless Drive onto Market Street.

121. Shuttle: To ensure that this permit complies with General Plan Land Use Principle 2a-6-7, prior to issuance of the certificate of occupancy for the hotel, Permittee shall submit for City review and approval a plan to provide a shuttle serving the hotel, the project area, the Great Mall, BART station and VTA station for a term of no less than three years. The plan shall include an operations plan identifying time of operation, shuttle stops, routing, and long-term funding for the shuttle, and a schedule for shuttle implementation.

Additional Conditions Applicable to All Subareas Within the Project:

122. Rapid Response Squad. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, the Permittee shall contribute 100% of the cost of the rapid attach fire apparatus, to a maximum monitory contribution of $500,000.00 (five hundred thousand dollars). 50% funding shall occur prior to the issuance of a building permit for the hi-rise building(s)/structure(s) and the remainder 50% shall occur prior to the granting of building/structure Occupancy (partial, temporary or final occupancy) by the City Building and Fire Departments. 2013 California Fire Code Section 102.9 (F).

123. Lot Line Adjustment. Center Pointe B and the lot line adjustment The Permittee shall either (1) record a lot tie agreement to tie the two lots under the existing building until such time as the building is demolished; or (2) record a deed restriction restricting its ability to sell the building and requiring Permittee to demolish the building.

124. Density averaging. To ensure compliance with TASP Policy 3.8, Permittee shall cause a deed restriction to be recorded against each individual parcel within the project memorializing the density averaging principle under which this project has been approved and restricting future development of each parcel in conformance therewith. Such deed restriction shall be in a form acceptable to the City Attorney.

125. Prior to the issuance of a building permit, Permittee shall comply with Milpitas Municipal Code Section XI-10-14 ('Public Art Requirements for Private Development').

126. Prior to issuance of any grading permit, Permittee shall comply with Milpitas Municipal Code Chapter X-2 ('Tree Maintenance and Protection').

127. The Permittee shall provide a construction performance bond equivalent to the cost of the public improvements within the right-of-way along the project frontage.

Key:
(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention
(CA) = City Attorney

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Pursuant to Condition No. 33 contained herein, the estimated Transit Area Specific Plan Fee is $38,320,989 based on the current fee of $32,781 per unit (1,169 units). This Fee shall be subject to annual adjustments as provided for in Section 9 of City Council Resolution No. 8344.

AGREEMENT

Permittee/Property Owner
The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Dated: _____ _____
Signature

Printed Name of Permittee/Property Owner:_____

REGULAR 2D

NUMBER: 38.824

TITLE: AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE ZONING MAP FOR CHAPTER 10, TITLE XI OF THE MILPITAS MUNICIPAL CODE (RZ15-0005) TO CHANGE THE ZONING DESIGNATION OF A PORTION OF ASSESSOR'S PARCEL NUMBERS 086-33-086 AND 086-33-087 FROM MXD2-TOD (MIXED USE-HIGH DENSITY WITH RETAIL/TRANSIT ORIENTED DEVELOPMENT OVERLAY) TO R3-TOD (MULTIPLE FAMILY – HIGH DENSITY/TRANSIT ORIENTED DEVELOPMENT OVERLAY) AND IMPLEMENT A CORRESPONDING AMENDMENT TO THE TRANSIT AREA SPECIFIC PLAN ZONING DISTRICT MAP (FIG 5-21)

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on June 16, 2015, Lyon Communities submitted an application to the City for the following entitlements:

(1) General Plan Amendment and Transit Area Specific Plan ("TASP") Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR) for a portion of Centre Pointe B;

(2) a Zoning Map Amendment to change the City's Zoning Map from MXD2 to R3 for a portion of Centre Pointe B and a corresponding TASP Zoning District Map (Fig 5-21) amendment to change the zoning district designation on the same 3-acre portion of the Centre Pointe B subarea site from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay);

(3) an amendment to the previously approved District One, Lots 2, 3 and 4 Site Development Permit SD11-0001 and Conditional Use Permit UP11-0037 to eliminate Lot 3 from the District 1 project and replace the two mixed use buildings on Lots 2 and 4 (totaling 392 dwelling units and 6,000 square feet of commercial retail) with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on Lot 2; and

(4) A Site Development Permit, Major Vesting Tentative Maps, and a Conditional Use Permit to allow for the development of a 175 room hotel, a 423 dwelling unit building with 56,982 square feet of retail space and 352 for sale residential units with associated site improvements on 26.65 acres on Centre Pointe Drive and Houret Court parcels (APNs: 086-33-093, 086-33-101, 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-41-034, 086-41-033, 086-41-032, 086-41-009) located within the TASP area, and, more particularly, within the McCandless/Centre Pointe and Montague Corridor sub-districts of the TASP area (collectively, the "Centre Pointe and Houret Court Project" or "the Project"); and

WHEREAS, as noted above, the Project applicant has initiated a rezoning request (RZ15-0005) to change the land use designation of an approximately three-acre area within the Centre Pointe B subarea (Assessor's Parcel Numbers 086-33-086 and 086-33-087) from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay), which requires a Zoning Code amendment; and

WHEREAS, this rezoning request is accompanied by a proposal to amend the General Plan land use map (GP15-002) and to amend the TASP (ST15-0001) to re-designate this property to Multiple Family – High Density/Transit Oriented Development Overlay; and

WHEREAS, on October 28, 2015, the Planning Commission held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties, and recommended approval of a prepared Addendum to the previously certified TASP Environmental Impact Report ("TASP EIR") for the Project in accordance with the California Environmental Quality Act, and the requested amendments; and

WHEREAS, on November 17, 2015, the City Council held a duly-noticed public hearing and adopted a Resolution Adopting the Addendum to the TASP EIR prepared for the Project, and adopted a Resolution adopting General Plan Amendment GP15-0002 and Specific Plan Amendment ST15-0001 changing the respective land use designations from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR) for a portion of Centre Pointe B; and

WHEREAS, the City Council finds the proposed Zoning Map amendment is consistent with the General Plan. In particular, the General Plan land use designation for the site will be High Density Transit Oriented Residential upon adoption of the proposed General Plan Amendment. This land use designation is intended for medium density residential neighborhoods further from BART, at the interior of subdistrict neighborhoods. A minimum average gross density of 21 units per acre is required, up to a maximum of 40 units per acre (General Plan Land Use Element at 2-12; TASP at 3-11). The R3-TOD zoning development standards are consistent with the General Plan setting forth a residential density of 21-40 du/gross acre (TASP Table 5-1); and

WHEREAS, the City Council finds that the proposed Zoning Map amendment will not adversely affect the public health, safety and welfare in that the proposed Zoning Map amendment is consistent with the proposed General Plan land use designation. The proposed Zoning Map amendment will allow for development consistent with the adjacent

existing and proposed residential uses. The density and intensity of development allowed under the proposed Zoning Map amendment is within the range of impacts considered in the TASP EIR, and development pursuant to the proposed Zoning amendment will not adversely affect public health, safety and welfare.

WHEREAS, the City Council finds that with the inclusion of this Zoning Map amendment, the Zoning Code remains internally consistent.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE, TITLE XI, CHAPTER 10 (ZONING MAP) AND TRANSIT AREA SPECIFIC PLAN ZONING DISTRICT MAP (FIG. 5-21)

The Zoning Map of the City of Milpitas, as amended, which was adopted as part of ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code, is hereby amended by rezoning the land use designation of an approximately three-acre area within the Centre Pointe B subarea (Assessor's Parcel Numbers 086-33-086 and 086-33-087) from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay), along with a corresponding amendment to the Transit Area Specific Plan Zoning District Map (Figure 5-21), both as depicted on the attached **Exhibit A.**

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

ORIGINAL

RESOLUTION NO. 15-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL APPROVE AN ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2006032091) IN SUPPORT OF THE CENTRE POINTE AND HOURET COURT PROJECT LOCATED AT 1320 AND 1425 MCCANDLESS DRIVE, 1463, 1515, 1557, AND 1585 CENTRE POINT DRIVE, AND 231, 247, 271 HOURET DRIVE AND 1757 HOURET COURT

WHEREAS, on June 3, 2008, by adoption of Resolution No. 7759, the City Council of the City of Milpitas certified the Environmental Impact Report (State Clearinghouse No. 2006032091) (the "EIR"), which disclosed and evaluated environmental impacts associated with, among other things, the adoption of the Transit Area Specific Plan (the "TASP"), which encompasses some 437 acres and plans for the development of 7,109 dwelling units, 340 hotel rooms, 287,075 square feet of retail space, and 993,843 square feet of office space and industrial uses. The EIR concluded that the TASP was self-mitigating, and thus no additional mitigation measures were required. The TASP includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the TASP also established subdistricts with specific goals and policies to accommodate those unique characteristics, among other things; and

WHEREAS, on June 3, 2008, by passage of Resolution No. 7760, the City Council adopted certain amendments to the Milpitas 1994 General Plan, as updated in January 2002, and also adopted the TASP; and

WHEREAS, in 2010, the City Council approved an application submitted by Integral Communities for a project within the TASP. Specifically, Integral Communities was granted a tentative map and conditional use permit to construct eight high-density residential buildings along McCandless Drive with significant retail and commercial space in the first two building along Great Mall Parkway. The project included a maximum of 1,328 dwelling units and 75,000 square feet of retail/commercial space. The project also included an Owner Participation Agreement ("OPA") that the City Council approved on August 3, 2010 (collectively, the "2010 entitlements"); and

WHEREAS, on March 20, 2012, the City Council approved amendments to the 2010 entitlements to replace four of the eight buildings along McCandless Drive with a 200-unit townhouse project. The 2012 amendments included a Site Development Permit (SD11-0001) to review the architecture of the buildings, Conditional Use Permit (UP11-0037) to allow a grocery store on Lot 1, and Major Tentative Map (MT11-0002) for 27 townhouse building lots and associated common areas. The approved changes resulted in a net decrease of 226 dwelling units from District 2, and net increase of 6,000 square feet of ground floor retail for Lots 2 and 4 (collectively, the "2012 entitlements"); and

WHEREAS, subsequent to the approval of the 2012 entitlements development approved on Lots 2 and 4 thereby was not constructed; and

WHEREAS, on June 16, 2015, Lyon Communities submitted an application to the City for an amendment to the previously approved Site Development Permit SD11-0001 and Conditional Use Permit UP11-0037 to eliminate Lot 3 from the District 1 project and replace the two mixed use buildings (totaling 392 dwelling units and 6,000 square feet of commercial retail) on Lots 2 and 3 with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space and to allow the development of a 175 room hotel, a 423 dwelling unit building with 56,982 square feet of retail space and 352 for sale residential units with associated site improvements on 26.65 acres on Centre Pointe Drive and Houret Court parcels (APNs: 086-33-093, 086-33-101, 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-41-034, 086-41-033, 086-41-032, 086-41-009) located within the TASP area, and, more particularly, within the McCandless/Centre Pointe and Montague Corridor sub-districts of the TASP area (collectively, the "Centre Pointe and Houret Court Project" or "the Project"); and

WHEREAS, in order to evaluate the Centre Pointe and Houret Court Project pursuant to the California Environmental Quality Act (Public Resource Code § 21000, *et seq.*, "CEQA") and Title 14 of the California Code of Regulations § 15000, *et seq.* (the "State CEQA Guidelines"), the City caused to be prepared an addendum to the EIR prepared for the TASP; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, staff evaluated the Centre Pointe and Houret Court Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162 by preparing an Initial Study and accompanying technical letters; and

WHEREAS, based on that evaluation, staff concluded that the Environmental Public Record fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the Centre Pointe and Houret Court Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, based on that evaluation, staff also concluded that the Centre Pointe and Houret Court Project is consistent with the goals, policies, objectives and regulations of the City's General Plan, Municipal Code, the Environmental Public Record, and all applicable mitigation measures identified in the Environmental Public Record; and

WHEREAS, because the Centre Pointe and Houret Court Project requires the City to make some changes and additions to the EIR, the City has prepared an addendum to the EIR pursuant to State CEQA Guidelines section 15164 (the "Centre Pointe and Houret Court Project Addendum"); and

WHEREAS, the Planning Commission has been provided the Centre Pointe and Houret Court Project Addendum and has reviewed it in connection with the EIR; and

WHEREAS, the Environmental Public Record is incorporated herein by this reference, and is available for inspection at City Hall at the Planning Department; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the Centre Pointe and Houret Court Project Addendum is not required to be circulated for public review, but can be attached to the EIR; and

WHEREAS, notice of the October 28, 2015, public hearing before the Planning Commission for its review and consideration of a recommendation to the City Council as to approval of the Centre Pointe and Houret Court Project Addendum and Centre Pointe and Houret Court Project was provided in accordance with applicable law; and

WHEREAS, at its October 28, 2015, public hearing on the Centre Pointe and Houret Court Project Addendum and the Centre Pointe and Houret Court Project, the Planning Commission considered the Centre Pointe and Houret Court Project Addendum together with the EIR, and accepted oral and written testimony from interested persons; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the Centre Pointe and Houret Court Project, including the staff report, the Centre Pointe and Houret Court Project Addendum together with the Environmental Public Record, and all of the information, evidence, and testimony presented at its public hearing; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Milpitas **RESOLVES** as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with CEQA. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The Planning Commission has reviewed and considered the Environmental Public Record and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the proposed Centre Pointe and Houret Court Project. The Planning Commission further finds that the Centre Pointe and Houret Court Project Addendum and administrative record have been completed in compliance with CEQA and the State CEQA Guidelines. The Planning Commission further finds and determines that the Centre Pointe and Houret Court Project Addendum reflects the City's independent judgment.

SECTION 3. Findings Regarding Environmental Impacts. Based on the substantial evidence set forth in the record, including but not limited to the Environmental Public Record and the Centre Pointe and Houret Court Project Addendum, the Planning Commission finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the Centre Pointe and Houret Court Project. The Planning Commission further finds that based on the whole record before it, including but not limited to the Initial Study, the technical letters, and the staff report, none of the conditions under State CEQA Guidelines section 15162 requiring subsequent environmental review have occurred because the modifications specified in the Centre Pointe and Houret Court Project Addendum:

a) do not constitute substantial changes that would require major revisions of the Environmental Public Record due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

FACT: The Centre Pointe and Houret Court Project consists of a total of 1,166 dwelling units (multi-family, townhouse, and loft products), 83,842 square feet of retail and commercial space, a 175 room hotel, and associated landscaping and improvements associated therewith. These uses and improvements are consistent with those envisioned in the TASP, which would allow for a maximum of 1,809 dwelling units and 92,316 square feet of ground floor retail within those portions of the TASP occupied by the Centre Pointe and Houret Court Project. The TASP also encouraged the development of a hotel use within its borders.

The Centre Pointe and Houret Court Project Addendum examined all the potential impacts of the Centre Pointe and Houret Court Project, including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

Based on the analysis contained in the Centre Pointe and Houret Court Project Addendum, the changes proposed by the Centre Pointe and Houret Court Project have been evaluated against the analysis of environmental impacts in the Environmental Public Record to ensure the Centre Pointe and Houret Court Project will not result in any new significant impacts or substantially increase the severity of any previously analyzed impacts. The analysis in the Centre Pointe and Houret Court Project Addendum for the Centre Pointe and Houret Court Project concludes that the proposed changes would not create any new significant impacts, or impacts that are significantly different than those identified in the Environmental Public Record.

b) do not constitute substantial changes with respect to the circumstances under which the Centre Pointe and Houret Court Project is developed that would require major revisions of the Environmental Public Record due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

FACT: Conditions remain similar to those under which the prior environmental documents were prepared. No new development has occurred in the vicinity of the Centre Pointe and Houret Court Project that would warrant major revisions to the Environmental Public Record.

c) do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Public Record documents were certified or adopted, as applicable, showing any of the following: (i) that the modifications would have one or more significant effects

not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

FACT: Those impacts which were identified in the Environmental Public Record as significant and unavoidable remain significant and unavoidable, as set forth in the Statement of Overriding Considerations adopted by the City Council as Exhibit B to Resolution No. 7759 (passed June 3, 2008) and incorporated herein. However, the proposed Centre Pointe and Houret Court Project would not add to or further exacerbate those previously identified significant impacts. No new mitigation measures are required to mitigate environmental impacts associated with the Centre Pointe and Houret Court Project. Therefore, the Centre Pointe and Houret Court Project Addendum supports the City's consideration of the Centre Pointe and Houret Court Project, as outlined in the State CEQA Guidelines Section 15162 and 15164.

SECTION 4. Approval of the Centre Pointe and Houret Court Project Addendum. The Planning Commission hereby recommends that the City Council **APPROVE** the Centre Pointe and Houret Court Project Addendum to the EIR prepared for the TASP, a true and correct copy of which is attached hereto as Exhibit A.

SECTION 5. City Council Hearing. The Interim Planning Director shall transmit this recommendation to the City Council, and the Planning Commission recommends that the Centre Pointe and Houret Court Project be scheduled for a hearing before the City Council.

SECTION 6. Notice of Determination. The Planning Commission recommends that the City Council direct staff to prepare, execute and file a CEQA Notice of Determination with the Santa Clara County Clerk's Office within five (5) working days of the City Council's action on the Centre Pointe and Houret Court Project.

SECTION 7. Custodian of Records and Location of Documents. The Environmental Public Record and the Centre Pointe and Houret Court Project Addendum are on file and available for public review 455 East Calaveras Boulevard, Milpitas, CA 95035. The Interim Planning Director of the Planning Department is the custodian of these documents.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on October 28, 2015:

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on October 28 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal			✓	
Lawrence Ciardella			✓	
Hon Lien	✓			
Rajeev Madnawat			✓	
Ray Maglalang	✓			
Zeya Mohsin (Alternate)	✓			
Demetress Morris	✓			
Gurdev Sandhu	✓			

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ORIGINAL

RESOLUTION NO. 15-036

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT GP15-0002, SPECIFIC PLAN AMENDMENT ST15-0001, REZONE RZ15-0005, SITE DEVELOPMENT PERMIT SD15-0006, USE PERMIT UP15-0010, AND MAJOR TENTATIVE MAPS MT15-0006, MT15-0007, MT15-0008 AND MT15-0009 FOR THE CENTRE POINTE AND HOURET COURT PROJECT LOCATED AT 1320 and 1425 MCCANDLESS DRIVE, 1463, 1515, 1557, AND 1585 CENTRE POINT DRIVE, AND 231, 247,271 HOURET DRIVE, AND 1757 HOURET COURT

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas certified an Environmental Impact Report prepared to analyze the environmental impacts associated with the proposed Transit Area Specific Plan (the "EIR," State Clearinghouse No. 2006032091), and subsequently adopted the Transit Area Specific Plan (the "TASP"); and

WHEREAS, the Transit Area Specific Plan encompasses some 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, and 993,843 square feet of office space and industrial. It includes development standards, goals and policies guiding development within the Plan area. Due to the physical characteristics of the area, including major streets, railroads and creeks, the Transit Area Specific Plan also established sub-districts with specific goals and policies to accommodate those unique characteristics; and

WHEREAS, on June 16, 2015, an application was submitted by Lyon Communities for a large-scale development within the TASP, consisting of an amendment to the previously approved District One, lots 2, 3 and 4 Site Development Permit and Conditional Use Permit to eliminate lot 3 from the District 1 project and replace the two mixed use buildings (totaling 392 dwelling units and 6,000 square feet of commercial retail) on lots 2 and 3 with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space and to allow the development of a 147 room hotel, a 423 dwelling unit building with 56,982 square feet of retail space and 349 for sale residential units with associated site improvements on 26.65 acres on Centre Pointe Drive and Houret Court parcels (APNs: 086-33-093, 086-33-101, 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-41-034, 086-41-033, 086-41-032, 086-41-009) located within the Transit Area Specific Plan area – McCandless/Centre Pointe and Montague Corridor sub-districts; and

WHEREAS, an Addendum to the TASP EIR has been prepared for the project in accordance with the California Environmental Quality Act (CEQA), and;

WHEREAS, on October 28, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and

WHEREAS, on October 28, 2015, the Planning Commission adopted Resolution No. 15-035, recommending the City Council approve an Addendum to the Environmental Impact Report Prepared for the Transit Area Specific Plan (State Clearinghouse No. 2006032091) in support of the Centre Pointe and Houret Court Project located at 1310-1360, 1400-1460 and 1415-1475

McCandless Drive, 1463, 1501, 1507, 1515, 1536-1567, and1577-1601 Centre Point Drive, and 231, 247-269, 274 and 1147 Houret Court; and

WHEREAS, on October 28, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties; and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

1. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Pursuant to Section 57 of the Zoning Code, the Planning Commission is required to make specific Findings before recommending approval of a General Plan Amendment, Specific Plan Amendment, Zoning Amendment, Site Development Permit, Vesting Tentative Subdivision Map, and Use Permit. Findings shall identify the rationale behind the decision to take a certain action. Each code-required Finding is analyzed below.

The Proposed Project

Lyon Communities has submitted applications to entitle an approximately 26.65-acre area (the "project area") within the Transit Area Specific Plan (TASP) to develop a master-planned, mixed use development comprised of a mix of multi-family residential, commercial, retail uses, and residential for sale units with loft and townhouse product types. The project consists of six distinct subareas, the development standards for which will be entitled though a Site Development Permit that encompasses the entire project site and all six subareas. Vesting tentative subdivision maps have been approved for two of the subareas (District Lot 2 and District Lot 4), and the project requests approval for Vesting tentative subdivision maps for the remaining four subareas (Centre Pointe B, Centre Point C, Houret, and District Lot 3A).

General Plan Amendment

The project requests a General Plan Amendment to amend the General Plan Land Use Map (Figure 2-1, General Plan Land Use Map, October 2012) to change the land use designation for an approximately 3-acre area within the Centre Pointe B subarea from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential. The requested General Plan Amendment is limited to a map change only. No changes to the text of the General Plan is proposed.

In support of the General Plan Amendment, and as required by Milpitas Municipal Code Section XI-10-57.02(G)(1), the City hereby finds:

1. The proposed amendment is internally consistent with those portions of the General Plan, which are not being amended.

   The proposed amendment is limited to a map amendment to change the land use designation of an approximately 3-acre area from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential. The 3-acre area is within the subarea of the TASP designated Centre Pointe B and lies immediately adjacent to other areas designated High Density Transit Oriented Residential and will allow the area to be developed consistent with the surrounding property. The proposed amendment will provide for greater land use compatibility with surrounding existing and proposed development. The proposed amendment does not change any other provisions of the General Plan and the General Plan would remain internally consistent.

2. The proposed amendment will not adversely affect the public health, safety, and welfare.

   The proposed amendment changes the land use designation of an approximately 3-acre area to the same land use designation of the properties to the south and west. The proposed amendment would allow for land uses compatible with the surrounding and proposed development, and would not adversely affect public health, safety and welfare. Development pursuant to the proposed amendment would be required to comply with the development standards of the TASP, as such standards may be amended through issuance of a conditional use permit, and would be within the range of environmental impacts, e.g., traffic, air emissions, noise, etc., projected to occur from buildout of the TASP such that it would not result in adverse effects on public health, safety and welfare. The TASP is a component of the City's General Plan and is consistent with the City's General Plan. Development consistent with the TASP would be considered consistent with the General Plan as well.

Specific Plan Amendment

The project requests an amendment to the Transit Area Specific Plan (TASP) to (1) change the land use designation of the same portion of Centre Pointe Site B discussed above from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential (Figure 3-1, TASP), as depicted in Exhibit 3, attached hereto and incorporated herein, and (2) to amend the TASP Zoning District Map (Fig 5-21) to change the zoning district designation on an approximately 3-acre portion of the Centre Pointe B subarea site from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay), as depicted in Exhibit 4, attached hereto and incorporated herein. The requested TASP Amendment is limited to a map change only. No changes to the text of the TASP are proposed.

In support of the Specific Plan Amendment, and as required by Milpitas Municipal Code Section XI-10-57.02(G)(2), the City hereby finds:

3. The proposed specific plan or specific plan amendment is consistent with the goals, objectives, policies, and programs of the General Plan, and is necessary and desirable to implement the provisions of the General Plan.

   The project proposes a General Plan Amendment that would amend the land use designation for this area to High Density Transit Oriented Residential. The proposed amendments would allow this area to be developed under the same land use designation and largely the same development standards as the existing uses to the west of the area, and proposed uses to the south. The proposed amendment maintains the goals of the General Plan and TASP to promote high density residential development close to retail and commercial areas and close to transit, including the BART station and VTA light rail line.

4. The uses proposed in the specific plan or specific plan amendment are compatible with adjacent uses and properties.

   The proposed amendments would allow this area to be developed under the same land use designation and largely the same development standards as the existing uses to the west of the area, and proposed uses to the south. The proposed density of development would be compatible with existing and proposed surrounding residential development, and in carrying out the goals and objectives of the TASP would be compatible with proposed neighborhood serving retail and commercial uses proposed in the immediately surrounding area.

5. The proposed specific plan or specific plan amendment will not adversely affect the public health, safety and welfare.

   The proposed amendments will allow this area to be developed at a density of development that would be compatible with existing and proposed surrounding residential development. Development pursuant to the proposed amendment would be required to comply with the development standards of the TASP, as such standards may be amended by issuance of a conditional use permit, and would be within the range of environmental impacts, e.g., traffic, air emissions, noise, etc., projected to occur from buildout of the TASP such that it would not result in adverse effects on public health, safety and welfare.

6. The proposed specific plan amendment will not create internal inconsistencies within the specific plan.

   The proposed amendments are limited to map amendments to (1) change the specific plan land use designation from Residential Retail High Density Mixed Use to High Density Transit Oriented Residential, and (2) rezone from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay for an approximately 3-acre area. The 3-acre area is within the subarea designated Centre Pointe B and lies immediately adjacent to other areas designated for development pursuant to the Multiple Family High Density with Transit Oriented Residential Overlay specific plan zoning and land use designations.

The proposed amendments do not change any other provisions of the TASP and the TASP would remain internally consistent.

Zoning Amendment

The project requests an amendment to change the zoning designation of an approximately 3-acre area within the Centre Pointe B subarea from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family – High Density/Transit Oriented Development Overlay).

In support of the Zoning Amendment, and as required by Milpitas Municipal Code Section XI-10-57.02(G)(3), the City hereby finds:

7. The proposed amendment is consistent with the General Plan.

   The General Plan land use designation for the site will be High Density Transit Oriented Residential upon approval of the proposed General Plan Amendment. This land use designation is intended for medium density residential neighborhoods further from BART, at the interior of subdistrict neighborhoods. A minimum average gross density of 21 units per acre is required, up to a maximum of 40 units per acre. (General Plan Land Use Element at 2-12; TASP at 3-11.) The R3-TOD zoning development standards are consistent with the General Plan setting forth a residential density of 21-40 du/gross acre. (TASP Table 5-1.)

8. The proposed amendment will not adversely affect the public health, safety and welfare.

   The proposed zoning amendment is consistent with the proposed General Plan land use designation. The proposed zoning amendment will allow for development consistent with the adjacent existing and proposed residential uses. The density and intensity of development allowed under the proposed zoning amendment is with the range of impacts considered in the TASP Environmental Impact Report, and development pursuant to the proposed zoning amendment will not adversely affect public health, safety and welfare.

Site Development Permit

In support of the Site Development Permit, and as required by Milpitas Municipal Code Section XI-10-57.03(F)(1), the City hereby finds that:

9. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

   The proposed project's site and design are consistent with the intent of the TASP policies and the TASP development standards. The project proposes the most intense development and uses along Great Mall Parkway (hotel, commercial and multifamily residential) with

townhomes and loft residential product types provided in the interior areas of the project site adjacent to similar types of residential development. The proposed project provides for ground floor retail on Market Street which has been designed as a two-way street with onstreet parking to promote easy access to the retail uses along this corridor. The heights of the proposed structures are also consistent with the TASP by concentrating taller buildings and more intense uses, such as the hotel, along Great Mall Parkway with less intense residential uses within the interior of the site. The proposed project provides landscaped areas along all street corridors consistent with the TASP, and provides walkways and paseos that encourage pedestrian travel between the residential and commercial areas.

In terms of other pedestrian and walkway improvements, the project will set aside sufficient area along Montague in order to accommodate a land area for the pedestrian overcrossing that is contemplated under the TASP. Finally, the project proposes walkways throughout the project that connect to a proposed recreational trail segment along East Penitencia Creek that the project will provide.

10. The project is consistent with the Milpitas Zoning Ordinance.

The project is zoned:
Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
Mixed Use – Boulevard (MXD3)
Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
Multiple Family – High Density with TOD Overlay (R3-TOD)

The overall project density of development is falls within the range of development contemplated under these zoning districts consistent with TASP Policy 3.8., which allows contiguous developments to build at higher or lower residential densities so long as the project's average density falls between the designated minimum and maximum. The project's average density is 43.64du/ac and is within the overall designated minimum and maximum densities allowed for the project area under the TASP. The project also implements and is consistent with the permitted uses, and the development standards set forth in the Milpitas Zoning Code. Where deviations from those development standards have been identified, those exceptions are addressed by the City pursuant to the provisions of the TASP which permit the City to grant exceptions from strict compliance with the development standards.

11. The project is consistent with the Milpitas General Plan.

The project's land uses will be developed consistent with the residential and commercial uses contemplated by the General Plan land use designations for the project area. The project's overall density and intensity of development is consistent with the goals and objectives for development of this area. A portion of the project area is designated for Transit Oriented Development which the General Plan notes is for areas located near

transit stations, and provides for special requirements regarding development density, parking, mix of uses and transit supportive design features. The project provides for high density multi-family development, ground floor retail areas, a hotel and commercial uses all within close proximity to similar residential neighborhoods and transit stations.

The project is consistent with the following General Plan Land Use Guiding Principles:

2.a-G-2: Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

The project is an urban infill redevelopment project that redevelops an underutilized industrial business park area with residential and commercial uses envisioned by the TASP. It is designed as a high density residential development with commercial and retail uses that serve both visitors as well as residents.

2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families.

The project provides a mix of residential development types and densities. It provides multifamily uses in densities ranging from 77 du/acre in 9 and 10-story buildings along Great Mall Parkway, to 4 and 5-story residential multi-family projects with ground floor retail to 3 and 4-story for sale townhomes. The project provides a variety of housing choices for individuals and families in Milpitas.

2.a-G-5: A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.

The project provides landscaped areas along all perimeters of the various subareas. It provides a new landscaped, gathering area/entry point at the corner of McCandless and Market Street, and an open greenspace between District Lot 4 and the adjacent existing residential development. In addition, the project provides landscaped paseos throughout the single family residential neighborhoods (Centre Points B and C and Houret), and proposes to vacate a street right of way for use by the school district for park and athletic fields. Finally the project proposes to construct a recreational trail segment along East Penitencia Creek consistent with the City's trail plans.

2.a.l-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

The project is an urban infill redevelopment site within incorporated limits that is consistent with and implements the goals and objectives of the TASP.

2.a.1-31: Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike and take transit. Design streets and public spaces to create lively and attractive street character, and a distinctive identify for each subdistrict.

The project provides a mix of residential, commercial and retail uses for residents and visitors in proximity to transit opportunities. The project provides landscaped walkways and paseos and trails to promote walkability and the use of bikes, including providing land to be used for a landing area for the future bridge over Montague, providing a recreational trail along the Creek, and a bridge over the Creek to link the residential areas to the school site.

2.a.1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.

The project implements the development standards and design guidelines in the TASP.

12. In the case of a project located within a Specific Plan, the following additional finding shall be made:

    a. The project is consistent with the Specific Plan.

    The project implements the range of uses, the density of development and the development standards as set forth in the TASP. Where exceptions from TASP development standards have been identified, the project has provided for public benefits not otherwise obtainable through the strict application of the Zoning Standard. A list of the public benefits identified by the City and the project proponent is set forth in the City's staff report, and includes the following: development of a hotel that provides a new source of revenue (TOT) and new employment opportunities for the city; provision of land to construct a landing area for the proposed bridge over Montague; provision of a recreational trail link along East Penitencia Creek, and a new bridge connection over East Penitencia Creek. In addition, the exceptions requested do not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The project has been planned to encompass six subareas all of which are part of an overall master plan that concentrates retail and commercial development along the proposed Market Street corridor and in District 3A where the hotel will be developed and the highest intensity multifamily residential project will be built. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP.

Major Tentative Map Findings (Section XI-1-20.01)

13. The tentative subdivision map is consistent with the Milpitas General Plan.

The subdivision maps provide the residential and commercial uses contemplated by the General Plan land use designations for the area. Where the density of residential uses may exceed the ranges of density contemplated by the General Plan, the City has determined that pursuant to TASP policy 3.8, the City may "Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum." The City finds that the average density of the six subareas within the project and the Site Development Permit is within the General Plan's designated minimum and maximum density and will condition the entirety of the project to ensure this remains the case.

In addition, per Government Code § 66473.1, the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

The project design incorporates various measures to provide for such opportunities. District Lots 2, 3A and 4 will have rooftop recreation decks, including softscapes (landscaping, trees, etc.) which account for a substantial portion of the roof area and reduces direct solar heat gain and urban runoff. The majority of facade windows on all residential units will be recessed to minimize direct sunlight. Moreover, over 850 trees are being planted to block solar exposure. In addition, flat roof design allows for easy installation of solar panels. All roof tops will be wired for solar panels and will be built to accommodate solar panel installation. Furthermore, all residential units will be designed to meet Title 24 requirements and CalGreen requirements. Where feasible, buildings are oriented in north/south direction to minimize direct solar exposure. Finally, all residential units will have operable windows for natural ventilation.

Conditional Use Permit

A conditional use permit may be used to permit exceptions or deviations to the development standards in the TASP. The following exceptions were identified for the proposed project:

Feature	Standard	Proposed	Justification
District Building Lot 2			
Ground floor elevations relative to the public sidewalk	Maximum of 2' above public sidewalk	Varies between 2.6'-5'	Flood zone and hydrology for this area create this constraint
Balconies	40 square foot balconies on all units	No balconies on 17 studio units	Ample common area amenities are provided throughout project. Balconies not provided for 17 studio units, as it will negatively impact architectural aesthetics.
District Building Lot 4			

Feature	Standard	Proposed	Justification
Depth of ground floor commercial space	Typical: 75' Minimum: 60'	Provided: 31' – 45'; 44'-58' (when considering outdoor patio space)	It is assumed that many of the retail spaces will be used for restaurants. Wider tenant blocks are to be provided to make up for shorter depths. Generous outdoor patio spaces provided for outdoor seating which is also an offset to the lack of depth in the building space. Retailers will be encouraged to use this space to activate the retail promenade along both sides of Market Street.
Ground floor elevations relative to public sidewalk	Maximum of 2' above public sidewalk.	1.7'-5.5'	Flood zone and hydrology for this area create this constraint.
District / Centre Pointe Building 3			
Depth of ground floor commercial space	Typical: 75' Minimum: 60'	35'-90'; 50'-105' when factoring in patio dimension	It is assumed that many of the retail spaces will be used for restaurants. Wider tenant blocks are to be provided to make up for shorter depths. Generous outdoor patio spaces provided for outdoor seating which is also an offset to the lack of depth in the building space. Retailers will be encouraged to use this space to activate the retail promenade along both sides of Market Street.
Block size	Minimum: 2 acres Maximum: 4 acres	5.50 acres	Block is broken with public access through an urban retail plaza connecting Great Mall Pkwy to Market Street. Even with this separation, the smaller block (which includes the public plaza and hotel) is smaller than the 2 acre minimum.
Ground floor elevations relative to public sidewalk	Maximum of 2' above public sidewalk.	2'-6'	Variance.

Feature	Standard	Proposed	Justification
Balconies	40 square foot balconies on all units	No balconies on 30 two bedroom units	Ample common area amenities provided throughout project. Balconies not provided for 30 two bedroom units, as it will negatively impact architectural aesthetics and site layout.
Centre Pointe B			
Guest parking	21 spaces (onsite)	8 onsite 13 on-street	Parking requirement for project is exceeded by 32 spaces (more garage spaces provided than requirement). Also, while 13 spaces need to be accounted for "on-street", there are 70 on-street spaces available on the surrounding streets.
Setback (on Bond Street)	8'	7' (total setback deficiency of 563 square feet)	Accommodating walkway/ paseo trails through the site resulted in site restrictions.
Centre Pointe C			
Guest parking	28 spaces	26 on-site 2 on-street	Parking requirement for project is exceeded by 54 spaces (more garage spaces provided than requirement). Also, while 2 spaces need to be accounted for on-street, there are 48 on-street spaces.

Per Milpitas Municipal Code Section XI-10-57.04(F), the following findings are required to be made in order to approve a conditional use permit:

14. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare;

    None of the deviations requested are detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare. The requested increases in the maximum elevation of the ground floor relative to the public sidewalk are a direct result of FEMA requirements that apply due the project's location and are intended to, among other things, increase public safety. The reduction in balconies provided has no impact on property or improvements in the vicinity and poses no danger to the public health, safety, or welfare. A reduction in the depth of ground floor commercial space is offset by wider frontages and likewise has no detrimental or injurious impact on property

or improvements in the vicinity of the project, and will have no impact on public health, safety, or welfare. An increase in the maximum block size is not detrimental or injurious to property or improvements in the vicinity and may even be beneficial in this regard, as the larger block will be bisected by publically accessible connections that will improve pedestrian circulation through the site. No detrimental impacts to public health, safety, or general welfare will result from such deviation. Reduced guest parking standards for a very small portion of the overall parking requirement have no deleterious impact on property or improvements, nor to the public health, safety, or general welfare, as the overall parking requirement for the project is exceeded by 32 spaces and the project, which is transit oriented, is extremely well-served by public transportation. Finally, a one foot reduction in the setback requirement on Bond Street is not detrimental or injurious to nearby properties or improvements, or the public health, safety, or welfare as the setback reduction is the direct result of planning multiple walkways and paseo trails through the site and still offers a protective 7' buffer.

The mix of uses proposed by the project are consistent with the range of uses contemplated by the TASP, including the development of a hotel within this area of the TASP in close proximity to the Great Mall as well as transit opportunities. The proposed density of development falls within the designated minimum and maximum residential densities for this area of the TASP. The number of residential units, commercial square footage and hotel rooms are all within the ranges that were anticipated upon buildout of the TASP, and the environmental impacts of the development of the proposed project do not exceed the projections or analysis in the environmental impact report prepared for the TASP.

15. The proposed use is consistent with the Milpitas General Plan; and

See above re General Plan consistency findings. In addition, the Planning Commission also finds that the proposed deviations are consistent with the General Plan as follows:

Land Use Policy 2.A.1-24 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each subdistrict.

The requested setback reduction is consistent with this policy in that it is the result of weaving pedestrian walkways and trails through the site, creating greater pedestrian connections. Reduced guest parking reflects the transit-oriented nature of the project and further develops the transit area in the spirit intended by the General Plan. A reduction in the depth of ground floor commercial space is offset by the wider frontages and outdoor seating, which is intended to activate the street.

Seismic and Safety Policy 5.b-G-1 Minimize threat to life and property from flooding and dam inundation.

Increasing the ground floor elevations relative to the public sidewalk is intended to reduce the threat to life and property from flooding and dam inundation.

16. The proposed use is consistent with the Milpitas Zoning Ordinance.

    See above re Zoning Ordinance consistency findings.

17. In the case of a project located within a Specific Plan, the following additional finding shall be made:

    a. The proposed use is consistent with the Specific Plan.

    The project implements the range of uses, the density of development and the development standards as set forth in the TASP. Where exceptions from TASP development standards have been identified, the project has provided for public benefits not otherwise obtainable through the strict application of the Zoning Standard. A list of the public benefits identified by the City and the project proponent is set forth below. In addition, the exceptions requested do not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The project has been planned to encompass six subareas all of which are part of an overall master plan that concentrates retail and commercial development along the proposed Market Street corridor and in District 3A where the hotel will be developed and the highest intensity multifamily residential project will be built. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP.

    The City further finds that the deviation from the Transit Area Specific Plan allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard. A list of the public benefits identified by the City and the project proponent includes the following:

Feature	**Description**	**Estimated Value**
Real property	Mapping of Dedication and Vacation of Houret Drive cul de sac for benefit of School District	$10,000 (in civil engineering fees)
Free shuttle service	Hotel shuttle, seating 20-25 passengers, providing service to project area on weekdays from 6-9 a.m., 11 a.m.-1 p.m., and 4-7 p.m., with designated stops within the project site, as well as stops at the BART station, VTA station, bus terminal, and Great Mall. An operating plan will be submitted for city staff review.	Estimated startup cost of $100,00 per shuttle Estimated Annual Cost of $150,000 per shuttle

Feature	Description	Estimated Value
		The feature would increase commerce to the Great Mall and on-site retail areas, increase use of BART and other local public transportation, decrease wear and tear on local streets, decrease parking demand, decrease pollution, and increase project marketability.
Bike share program	Participate in VTA bike share program providing rent-a-bike parking	Not yet calculated
Rooftop deck	1.16 acre rooftop amenity deck located at Lot 3, which will be publically accessible private open space	Not yet calculated
Pedestrian bridge contribution	Contribution to funding of the pedestrian bridge over Penitencia Creek	$250,000
Fire equipment	Funding for a Fire Department Rapid Response Vehicle	$500,000

The City finds that the requested deviations from the TASP standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development. The project has been planned to encompass six subareas all of which are part of an overall master plan that implements the land uses and distribution of uses contemplated by the TASP by concentrating retail and commercial development along the proposed Market Street corridor and in District 3A where the hotel will be developed and the highest intensity multifamily residential project will be built. Landscaping along the streets and greenspace with the developments are provided as envisioned by the TASP.

18 The Planning Commission recommends the City Council approve the General Plan Amendment GP15-0002, Rezone RZ15-0005, Specific Plan Amendment ST15-0001, Site Development Permit SD15-0006, Use Permit UP15-0010, Major Tentative Maps MT15-0006, -0007, -0008, -0009, and Environmental Impact Assessment EA15-0005 to adopt a General Plan Amendment and Transit Area Specific Plan Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR), and a Rezone from MXD2 to R3 for a portion Centre Pointe Lot B; and to eliminate Lot 3 (mixed-use building with approximately 169 dwelling units and 27,187 of retail square footage) from District 1 Project, and replace two

approximately 400,000 square foot mixed-use buildings on Lots 2 and 4 totaling 392 residential units and approximately 6,000 square feet of commercial-retail space with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on the District Lots 2 and 4; and to a approve a Site Development Permit, Major Tentative Maps and a Conditional Use Permit for the construction of a 175 room hotel, a 423 dwelling unit building with 56,982 square feet of retail on a portion of the District Lot 3, and 349 for sale units on Centre Pointe Drive and Houret Court parcels, and associated site improvements on 26.65 acres, subject to the above findings, and the Conditions of Approval attached hereto as Exhibit 1, General Plan Amendment, attached hereto as Exhibit 2, the Specific Plan Amendment attached hereto as Exhibit 3, and the Zoning Map Amendment attached hereto as Exhibit 4.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on October 28 2015:

Gurdev Singh Sandhu

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on October 28 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal			✓	
Lawrence Ciardella			✓	
Hon Lien	✓			
Rajeev Madnawat			✓	
Ray Maglalang	✓			
Zeya Mohsin (Alternate)	✓			
Demetress Morris	✓			
Gurdev Sandhu	✓			

EXHIBIT 1

CONDITIONS OF APPROVAL
THE DISTRICT LOTS 2, 3, 4 AMENDMENT AND CENTRE POINTE LOT 3A, B AND C, AND HOURET COURT 1 AND 2 DEVELOPMENT PROPOSAL – GP15-0002; RZ15-0005; ST15-0001; EA15-0005; SD15-0006; MT15-0006, MT15-0007, MT15-0008, MT15-0009; UP15-0010.

GENERAL CONDITIONS

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This DEVELOPMENT PERMIT NO. SD15-0006, CONDITIONAL USE PERMIT UP15-0010, TENTATIVE MAP NO. MT14-0004 (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office and a copy shall be provided to the Planning Department. (P)

2. The Permitee shall develop the approved project in conformance with the approved plans (dated _____), sample color and materials board approved by the City Council, in accordance with these Conditions of Approval. **(P)**

3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

4. Previous Planning Application. Previously approved Planning Applications for District One, Lots 2, 3 and 4, TM 11-002 Site Development Permit SD11-009 and Conditional Use Permit UP11-0037 shall be rescinded and replaced completely with the adoption of this Resolution. **(P)**

5. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

6. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

7. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning Code, this Permit shall become null and void if the development is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, the term of which may be extended upon approval by the City or the filing of a final map, then the term of the permits

shall coincide with the life of the map. Pursuant to Section XI-10-64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement is defined when the project:

a. Completes a foundation associated with the project; or
b. Dedicates any land or easement as required from the zoning action; or
c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

8. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

9. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full. **(E)**.

10. Indemnification. The project applicant, and its heirs, successors, and assigns, shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of Site Development Permit No. SD15-0006, Conditional Use Permit No. UP15-0010, and Vesting Tentative Map Nos. 15-0006, 15-0007, 15-0009, and 15-0008, including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The applicant shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the project applicant of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the project applicant, or if City fails to engage in reasonable efforts to cooperate in the defense, then the project applicant's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The project applicant shall not be required to pay or perform any settlement unless the settlement is approved by the project applicant. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Maps Nos. 15-0006, 15-0007, and 15-0008, and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**

11. Compliance with Fire Department and CA Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the CA Fire Code as adopted by the City.

Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**

Conditions of Approval for All Subareas in the Site Development Permit

12. Prior to issuance of the first Building Permit within each subarea of the Site Development Permit (District Lot 2, District Lot 4, Centre Pointe B, Centre Pointe C, District Lot 3A, and Houret), the Permittee shall submit project identification signs for the respective subdivision for review by the Planning Division. **(P)**

13. Prior to final map approval, Permittee shall submit the project Flood Study, demonstrating to the satisfaction of the City Engineer that the proposed development has NO adverse impact to the surrounding flood plain within the Special Flood Hazard Area and flood carrying capacity of the area. The study should include cumulative effects of existing and proposed developments (Integral, Lyon District 1, Montague Residential Project, DR Horton @ McCandless, Montague/Piper TASP sub-district, and the BART Project) demonstrating the combined effects will not increase the water surface elevation of the Base Flood (BFE) more than one/tenth of a foot at any point. Additionally, for the AO Flood Zone, the flood study is required in order to establish the BFE and development requirements. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS. **(E)**

14. Prior to final map approval, the Permittee shall submit a final grading plan and drainage study prepared by a registered Civil Engineer. The plans shall satisfy the conclusions and recommendations of the approved drainage study. **(E)**

15. Construction Storm Water Quality. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Milpitas Municipal Code (MMC), and the City's Clean Water Program. (E)

16. Construction General Permit Compliance. Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:

A. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,

B. a copy of the approved Notice of Intent (NOI) from the State Board, and

C. an erosion control plan and a site monitoring plan meeting the satisfaction of the City Engineer.

Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the City's Clean Water Program.

Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project. For general information, contact the City of Milpitas Engineering Division at (408) 586-3325. (E)

17. The Permittee shall comply with Municipal Regional Permit (MRP) Order R2-2009-0074 and successor orders for post construction C3 provisions for new development and redevelopment regulated projects storm water treatment requirements, and National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009—0009 NPDES No. CAS000002 or as required by the Regional Board at the time Permittee submits the NOI for the project for pre-construction storm water treatment requirements. **(E)**

18. Prior to final map approval, Permittee shall submit a Storm Water Control plan that incorporates best management practices (BMPs) for treatments of stormwater run-off from all parcels. The Storm Water Control plan shall incorporate source control, site design and stormwater treatment requirements consistent with MRP requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current California Stormwater Quality Association (CASQA) BMP handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the City Engineer.

    A. Permittee shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.

    B. The Plan shall be prepared by a licensed Civil Engineer qualified and trained professional with storm water treatment process and certifies that measures specified in the report meet the MRP requirements.

C. Prior to issuance of Certificate of Occupancy, the Permittee shall submit a Storm Water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.

D. Permittee shall include in the approved covenants, conditions, and restrictions (CC&Rs) the requirement to provide the City with an annual inspection report of the Storm Water Control Plan post construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements.

E. Prior to final occupancy, the Permittee shall execute and record an Operations and Maintenance Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities.

F. Permittee shall comply with all "Model Conditions Of Approval For Stormwater Quality" as shown in the Stormwater Section of the Engineering Plans and Map Procedures and Guidelines, dated July 15, 2010 and are hereby incorporated as conditions of project approval. **(E)**

19. Water Supply and Force Majeure The City currently has adequate water supply and sewerage treatment plant capacity allocation for this land development project. The City reserves the right to suspend the issuance of building permits to implement this land use development, if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. Although vesting tentative maps have been approved for each subarea within the Site Development Permit which provides vested rights as defined in Government Code Section 66498.1, no vested right to the issuance of a Building Permit is acquired by the approval of this land development in the event the City's ability to deliver water and sewer treatment is affected by force majeure pursuant to the criteria set forth above. This condition of approval applies in case of an emergency declaration of water supply assurance in the case of a major catastrophic event that restricts City's assurance to provide water supply, or allocated treatment plant capacity. Pursuant to Government Code Section 66452.6, in the event the issuance of building permits is suspended due to lack of available water supplies, the period of time set forth as the term for the vesting tentative map in Government Code Section 66452.6(a)(1) shall be tolled for up to five years until said suspension is terminated. **(E)**

20. Water, Sewer and Storm Drain Studies. Prior to recordation of each final map, the Permittee shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for the final map subdivision. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines.

If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the Permittee will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, as determined by the City Engineer. **(E)**

21. Solid Waste. Prior to building final inspection or building permit occupancy of any units, Permittee shall construct a new trash enclosure to serve the subdivision. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. The enclosure will be subject to the City's review/approval prior to construction of the enclosure. If the facility cannot be accommodated within the building, then the exterior location, as shown in Sheet G005 of the project plans, will be refined by the applicant to meet superior design, materials, pavement, and landscaping qualities compatible with the adjacent future park development, subject to the City's review/approval prior to construction of the enclosure facility. Prior to any final map approval within the project a trash collection program must be submitted to and approved by the City.**(E)**

22. Per Chapter 200, Title V, Solid Waste Management, V-200-3.10, *General Requirement*, Permittee shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Trimmings Collection Services*, Permittee shall subscribe to and pay for solid waste services rendered. Prior to any building permit issuance, Subdivider shall incorporate following solid waste services requirements to the satisfaction of the City Engineer:

A. Proposed solid waste enclosure shall be designed per the Development Guidelines for Solid Waste Services to house all necessary equipment. The access to the location and size of the enclosure shall be designed to the City Engineer's satisfaction and shown on the plans prior to building permit issuance. The enclosure drains must discharge to the sanitary sewer line. Storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.

B. The Permittee shall be responsible for solid waste management, including transfer of material to the compactors. Prior to final map approval, Permittee shall submit to the City (for review and approval) a written Solid Waste Handling Plan including detailed step-by-step instructions to manage solid waste from generation to disposal. The Plan shall state how the residential waste will be conveyed to the collection area for disposal. Show the path of travel for refuse. Demonstrate how recycling shall have a separately maintained process from garbage handling.

C. Prior to certificate of occupancy issuance, the Permittee shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Republic Services (formally BFI). After the applicant has full occupancy,

the Permittee shall contact the Republic Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the Permittee shall increase the service to the level determined by the evaluation. **(E)**

23. Community Facilities District. Prior to final map approval, the Permittee shall submit an executed petition to annex the subject property into the CFD 2008-1, and agree to pay the special taxes levied by Community Facility District (CFD 2008-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and any invalidation or limitation of this condition invalidates the Permit. **(E)**

24. The final map shall be recorded prior to issuance of any building permit for the subdivision covered by that final map. Provide a current title report with the final map submittal, not more than 90 days old. **(E)**

25. The tentative maps and all final maps shall designate all common lots and easements as lettered lots or lettered easements. **(E)**

26. Property Management Association/Homeowners Association. Prior to final map approval for each subdivision, the Permittee shall establish the necessary Property Management Association (PMA) and/or Homeowners Association (HOA). The PMA/HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and the local and private streets within the project. The PMA/HOA shall manage the onsite water and sewer system and implement the Solid Waste handling plan. This information shall be clearly included in the CC&Rs and recorded documents. The CC&Rs document shall be submitted for review and approval by the City Engineer. **(E)**

27. Prior to recordation of any final map, the Subdivider shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. **(E)**

28. All improvements plans shall be prepared using Vertical Datum of 1988 (NAVD 88). The specific city benchmark used for the project shall be indicated on the cover sheet of each improvement plan set. **(E)**

29. The Permittee shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes. **(E)**

30. Projects located in the TASP are required to use recycled water for landscape irrigation. All landscaping located within the building footprint shall be served by potable water. Street frontage landscaping shall be served by recycled water. The Permittee shall clearly

delineate the potable irrigation service area and recycled water service areas on the plans and maintain necessary separation as required by the Division of Drinking Water of the State Water Resources Control Board (Division of Drinking Water). The HOA shall own and be responsible for maintenance of all landscaping and irrigation. The recycled water irrigation system shall be under the control of the HOA. (E)

31. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and Permittee shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements; the submitted digital format of the drawings shall be GIS ready. The Subdivider shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Milpitas Transit Area Specific Plan, and all public improvements shall be constructed to the City Engineer's satisfaction and accepted by the City prior to issuance of any first certificate of occupancy for the project. **(E)**

32. Connection Fees. The Permittee shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:

    A. Storm water connection fee
    B. Water connection fee
    C. Sewer connection fee
    D. Water Service Agreement(s) for water meter(s) and detector check(s)
    E. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire **(E)**

33. Transit Area Impact Fee. Prior to building permit issuance the Permittee shall pay a Transit Area Development Impact fee. The subject fee will be estimated at the time of subdivision Improvement Agreement and will be collected prior to building permit issuance. **(E)**

34. Development Fees. Prior to building permit issuance, Permittee must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee scheduled adopted by the City Council, including but not limited to, connection fees (water, sewer and storm), Transit Area impact fee, plan check and inspection deposit, and 2.5% building permit automation fee as approved by City Council Resolution No. 7590. These fees are part of the secured subdivision improvement agreement referred to in condition of approval number 31 herein. **(E)**

35. Undergrounding Utilities. In accordance with Milpitas Municipal Code XI-1-7.02-2, the Permittee shall underground all existing wires and remove the related poles within the proposed development and along the street frontages, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded.

Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state line voltage. **(E)**

36. Water Assessment Study. Multistory buildings as proposed will be required to prepare a water assessment study. Additional evaluations by Permittee will be required to assure proper water pressure is available for potable and Fire services. Prior to issuance of a certificate of occupancy for each multistory structure, the Permittee shall submit an engineering report detailing how adequate water supply pressures meeting City standards will be maintained. **(E)**

37. Encroachment Permits. It is the responsibility of the Permittee to obtain all necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, AT&T, Comcast, Santa Clara Valley Water District (SCVWD), Santa Clara County road and Airport Department, and Santa Clara Valley Transportation Agency (VTA). Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**

38. Construction Schedule. Prior to start of any construction within District 2, District 4, VTM 15-006 [Centre Pointe B], VTM15-007 [Centre Pointe C], VTM15-008 [District Lot 3A], and VTM15-009 [Houret], the Permittee shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The Permittee shall coordinate their construction activities with other construction activities in the vicinity of this project. The Permittee's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. **(E)**

39. Utility disconnections. All utilities shall be properly disconnected before the building can be demolished. Permittee shall demonstrate to City staff how the water service(s), sewer service(s) and storm service(s) will be disconnected prior to doing so. The water service shall be locked off in the meter box and disconnected or capped at main line in the street if the water meter is not to be used. The sanitary sewer shall be capped at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used. Unless otherwise noted, all utility stubs not utilized shall be capped at the main. **(E)**

40. Recycling Report. Prior to demolition permit issuance, the Permittee , shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:

    A. What materials will be salvaged.

B. How materials will be processed during demolition.

C. Intended locations or businesses for reuse or recycling.

D. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Permittee shall make every effort to salvage materials for reuse and recycling and shall comply with all applicable City ordinances on construction and demolition debris. **(E)**

41. Recycling. Prior to building permit issuance, Permittee shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division. **(E)**

42. Recycling. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Subdivider, all to the satisfaction of the City Engineer or designee. The Permittee shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Permittee shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Permittee shall perform all recycling and/or disposal by removal from the job site. **(E)**

43. Sight Distance. The Subdivider shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed two (2) feet when measured from street elevation. **(E)**

44. Public Utilities. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. **(E)**

45. Encroachment Permit. Prior to any work within public right of way or City easement, the Permittee shall obtain an encroachment permit from City of Milpitas Engineering Division. **(E)**

46. Wastewater. If necessary, the Permittee shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755. **(E)**

47. Water. In accordance with Chapter 5, Title VIII, of Milpitas Municipal Code, for new and/or rehabilitated landscaping 500 square feet or larger the Permittee shall:

    A. Provide separate water meters for domestic water service and irrigation service. Permittee is also required to provide separate domestic meters for each proposed use (Residential, Food Services, Commercial/Office).

    B. Comply with all requirements of Chapter 5, Title VIII of the Milpitas Municipal Code. Two sets of landscape documentation package shall be submitted by the Permittee to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection. Landscape planting shall be deferred until the on-site recycled water system is approved, constructed, and tested. The recycled water irrigation systems shall be split into several parallel systems to match the construction phasing in order to allow recycled water use at the final occupancy for each phase.

    C. Contact the Land Development Section of the Engineering Division at (408) 586-3325 for information on the submittal requirements and approval process.

    D. New landscaping shall comply with codes in effect at the time of building permit issuance unless otherwise provided by applicable law. **(E)**

48. Irrigation. Per Chapter 6, Title VIII of Milpitas Municipal Code; the landscape irrigation system must be designed to meet the City's recycled water guidelines and connect to recycled water system. To meet the recycle water guideline the Permittee shall:

    A. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape.

    B. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the California Department of Public Health (CDPH or Division of Drinking Water, as applicable, for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and state approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3325 to obtain copies of design guidelines and standards.

    C. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for

washing eating areas, walkways, pavements, and any other uncontrolled access areas. **(E)**

49. Landscape planting shall be deferred until the on-site recycled water system is approved, constructed and tested. The recycled water irrigation systems shall be split into several parallel systems to match the construction phasing in order to allow recycled water use at the final occupancy for each phase. (E)

50. Trees. Per Milpitas Municipal Code Chapter 2, Title X, the Permittee may be required to obtain a permit for removal of any existing tree(s). Contact the Public Works Department at (408) 586-2600, to obtain the requirements and forms. **(E)**

51. USA. The Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities. **(E)**

52. Postal. The Permittee shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. **(E)**

53. Revised Tentative Map. Permittee shall make changes as noted on Engineering Services Exhibit "PT"(dated 11-08-2012) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the final map or improvement plans will be accepted until this condition is satisfied. **(E)**

54. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s), in a form approved by the City, prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Point C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

55. Trail Improvements. The proposed Penitencia Creek Trail improvements shall be built to the SCVWD's and City's satisfaction.

56. Improvement Schedule. All public improvements and public infrastructure shall be constructed and completed prior to issuance of the first building permit. Improvements include, but are not limited to, curb, gutter, sidewalk, medians, third party utilities, street lights, street trees, utilities, pavement, and related water quality facilities. To implement this condition, Permittee shall perform a GPS survey of all water valves, manholes, underground bends, and record said data on record drawings.

57. All connections to the public water system shall be metered and protected with backflow devices in accordance with City standards. Separate on-site water systems owned and

maintained by the property owners shall serve the project downstream of the master meters. The project is recommended to have two points of connection for each service to provide redundancy. Master meters shall be located in City right-of-way or public service utility easements. Water services shall have a straight alignment between the public distribution system pipe and the water meter (no bends). A combined domestic and fire protection water pipeline is allowed. (E)

58. Locate fire hydrants on the public water system to the maximum extent possible. All hydrants shall be located on a dedicated service lateral. (E)

59. The Permittee shall design public and private utilities in accordance with State and City requirements. (E)

60. Coordinate plans showing landscape, utility, and hardscape to insure no conflicts exist. (E)

61. Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities. (E)

62. The City shall restore surface conditions to City standards (standard pavement, sidewalk, non-paved surfaces, etc) upon completion of infrastructure repair and/or replacement in City easements. The CC&R shall include the requirement that the HOA is required to restore HOA-owned infrastructure upon completion of City's repair/replacement. (E)

63. Unless otherwise noted and except as set forth in Government Code section 66474.2, City ordinances and other applicable law shall mean the requirements in effect at the time of building permit issuance.

64. The City Council has declared a water supply emergency and enacted a Water Shortage Contingency Plan. The project is required to use recycled water for construction purposes such as dust control and compaction. Landscape planting shall be deferred for any areas designated to use potable water, such as internal podium areas as described below. Water features such as pools and fountains, may not be filled until the drought is over.

65. Hydraulic modeling is required to verify capacity of both existing and proposed water system. Applicant to authorize City to proceed with hydraulic modeling as costs will be charged to Applicant's PJ Account.

66. All connections to the public water system shall be metered and protected with backflow devices in accordance with City standards. Separate on-site water systems owned and maintained by the property owners shall serve the project downstream of the master meters. The project is recommended to have two points of connection for each service to provide redundancy. Master meters shall be located in City right-of-way or public service utility easements. Water services shall have a straight alignment between the public distribution system pipe and the water meter (no bends).

67. Separate potable master water meters are required for the retail use, residential use, fire service, and landscaping located within a podium building footprint.

68. Townhome-style housing shall be served by master water meters at the connection to the public water system. A combined domestic and fire protection water pipeline is allowed.

69. Locate fire hydrants on the public water system to the maximum extent possible. All hydrants shall be located on a dedicated service lateral.

70. The Permittee shall install a 12 inch diameter public water main along Newberry Street between Bond Street and Centre Pointe Drive.

71. Water pipelines in these locations shall be public: McCandless Drive, Market Street between McCandless Drive and Bond Street, Bond Street between Market Street and Newbury Street, Newbury between Bond Street and Centre Pointe Drive, Centre Pointe Drive, Houret Drive, and the Off-Site Water System Improvements described elsewhere in this document. All other water pipelines shall be privately owned and maintained.

72. Hydraulic modeling is required to determine points of connection to the City's sanitary sewer system. Permittee to authorize City to proceed with hydraulic modeling as costs will be charged to Permittee's Project Job Account.

73. The on-site sewer system shall be privately owned and maintained by the property owners. The system shall be designed for sufficient capacity and ease of maintenance to minimize sewer blockages and spills. Provide grease interceptors for buildings with food service.

74. Sewer pipelines in these locations shall be public: McCandless Drive, Centre Pointe Drive, and Houret Drive. All other water pipelines shall be privately owned and maintained.

75. Show ultimate planned SCVWD creek levee build-out. Provide details such as trail drainage in compliance with SCVWD requirements.

76. All planting/landscaping within the building footprint shall be served by potable water. Due to the drought, all landscaping served by potable water shall be deferred.

77. All landscaping shall be owned, maintained, and operated by the HOA. Podium wrap buildings shall use recycled water for irrigation of street frontage landscaping and ground level landscaping located outside the building perimeter. Townhome projects shall use recycled water for common area landscape.

Conditions of Approval for District Lot 2

78. Improvement Assurance. Prior to issuance of the building permit for District Lot 2, the Permittee shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing median improvements for that portion of the median on McCandless Drive that is adjacent to District Lot 2, including the median improvements which will accommodate a left-in and left-out of the parking structure onto McCandless.

79. Landscape Irrigation. Prior to issuance of a grading permit for District Lot 2, a landscape irrigation plan shall be submitted for the landscaped areas within District Lot 2. (E)

80. Flood Management. The Proposed development is located within the Special Flood Hazard Zone AO (depth 1), and therefore shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code Federal Regulations and City's Flood Plain Management Regulations, City of Milpitas Code Title XI Chapter 15. Prior to issuance of a building permit for District 2, the Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain. The Permittee shall also obtain a Letter of Map Revision (LOMR) prior to issuance of the first certificate of occupancy for District Lot 2, and provide all elevation certificates prior to final building inspection or certificate of occupancy for any portion of the development. The proposed grading plan shown in the tentative map shall comply with the established BFE as determined in the final flood study report. (E)

81. Traffic. Prior to building permit approval for District Lot 2, the Permittee shall submit plans for approval by the City Traffic Engineer for a left turn in and left turn out off of McCandless.

82. Trail. Prior to submittal for building permit issuance, the Permittee shall submit multi-use trail plans to the Santa Clara Valley Water District for review and approval, and provide their comments to the City. **(E)**

83. Creek Trail. Prior to approval of a final map for District Lot 2, an access and joint use agreement between the City and the Santa Clara Valley Water District (SCVWD) shall be executed to allow construction and use of a recreational trail on SCVWD's right of way along the north bank of East Penitencia Creek. The trail shall connect to the trail that is shown on Final Map Tracts 10145 and 10148 also located within SCVWD right of way. The Permittee shall assume responsibility for maintenance of the trail in coordination with SCVWD. Regardless of whether or not the joint use agreement is executed, the Permittee shall convey on the final map an access easement to the City over the east/west walkway on Centre Point which shall be used for trail purposes. The east/west walkway on Centre Pointe will only be used for trail purposes only if (1) City and SCVWD do not execute an access and joint use agreement; or (2) the access and joint use agreement were terminated in the future. Permittee shall assume responsibility for maintenance of the east/west walkway on Centre Point if it is used for trail purposes

Conditions of Approval for District Lot 4

84. Landscape Irrigation. Prior to issuance of a grading permit for District Lot 4, a landscape irrigation plan shall be submitted for the landscaped areas within District Lot 4.

85. Flood Management. The project is located within the Special Flood Hazard Zone AO (depth 1), and therefore shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code Federal Regulations and City's Flood Plain Management Regulations, City of Milpitas Code Title XI Chapter 15. Prior to issuance of a building permit for District 2, the Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain. The Permittee shall also obtain a Letter of Map Revision (LOMR) prior to issuance of the first certificate of occupancy for District Lot 4, and provide all elevation certificates prior to final building inspection or certificate of occupancy for any portion of the development. The proposed grading plan shown in the tentative map shall comply with the established BFE as determined in the final flood study report. (E)

Conditions of Approval for Centre Pointe B

86. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for Centre Pointe B, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0006.

87. Meter Location. Prior to approval of the final map, the Permittee shall submit plans showing the location of the master meter within the City's right-of-way or easement. (E)

88. Meters. Prior to approval of the final map, the Permittee shall submit plans showing numbered master (City) meters and BF devices, e.g., MM-1, MM-2, BFD-1, etc. (E)

89. Sewers. Prior to approval of the final map, the Permittee shall submit revised plans showing property line cleanout for all sewer laterals. (E)

90. Utility Abandonment. Prior to issuance of a grading permit, Permittee shall submit plans showing that all utility lines to be abandoned will be removed and backfilled. (E)

91. Landscape Irrigation. Prior to issuance of a grading permit for Centre Pointe B, a landscape irrigation plan shall be submitted for the landscaped areas within Centre Pointe B. (E)

92. Centre Point Drive: Prior to approval of the Final Map for Centre Pointe Site B and Centre Pointe Site C, the Permittee of Centre Pointe Site B and Centre Point Site C shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing the Project's share of roadway improvements for Centre Pointe Drive (including the segment of Centre Pointe Drive east of District Lot 3A and to the north of Centre Pointe Site C).

93. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on

the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s) prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Point C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

Conditions of Approval for Centre Pointe C

94. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for Centre Pointe C, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0007.

95. Meter Location. Prior to approval of the final map, the Permittee shall submit plans showing the location of the master meter within the City's right-of-way or easement. (E)

96. Meters. Prior to approval of the final map, the Permittee shall submit plans showing numbered master (City) meters and BF devices, e.g., MM-1, MM-2, BFD-1, etc. (E)

97. Sewers. Prior to approval of the final map, the Permittee shall submit revised plans showing property line cleanout for all sewer laterals. (E)

98. Utility Abandonment. Prior to issuance of a grading permit, Permittee shall submit plans showing that all utility lines to be abandoned will be removed and backfilled. (E)

99. Landscape Irrigation. Prior to issuance of a grading permit for Centre Pointe C, a landscape irrigation plan shall be submitted for the landscaped areas within Centre Pointe C. (E)

100. Creek Trail. Prior to approval of a final map for Centre Pointe C, an access and joint use agreement between the City and the Santa Clara Valley Water District (SCVWD) shall be executed to allow construction and use of a recreational trail on SCVWD's right of way along the north bank of East Penitencia Creek. The trail shall connect to the trail that is shown on Final Map Tracts 10145 and 10148 also located within SCVWD right of way. The Permittee shall assume responsibility for maintenance of the trail in coordination with SCVWD. Regardless of whether or not the joint use agreement is executed, the Permittee shall convey on the final map an access easement to the City over the east/west walkway on Centre Point which shall be used for trail purposes. The east/west walkway on Centre Pointe will only be used for trail purposes only if (1) City and SCVWD do not execute an access and joint use agreement; or (2) the access and joint use agreement were terminated in the future. Permittee shall assume responsibility for maintenance of the east/west walkway on Centre Point if it is used for trail purposes.

101. Creek Trail. Prior to submittal for building permit issuance, the Permittee shall submit multi-use trail plans to the Santa Clara Valley Water District for review and approval, and provide their comments to the City. **(E)**

102. Pedestrian Overcrossing. Permittee shall record a deed restriction, binding all successors and assigns, over an approximately 1,700 square feet area at the intersection of Montague Expressway and East Penitencia Creek, which shall be used to construct a landing area for the pedestrian bridge over Montague Expressway referred to in Condition of Approval number 81. (E)

103. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s) prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Point C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

Conditions of Approval for Houret

104. Houret Vacation. Prior to approval of the Final Map for Houret, the Permittee shall vacate that portion of Houret Drive currently identified for use and development as a cul de sac, and dedicate said portion to the Milpitas Unified School District.

105. Easement Dedication. Prior to approval of the Final Map for Houret, the Permittee shall convey a non-exclusive, 17-foot easement along the south side of East Penitencia Creek to the Santa Clara Valley Water Distict.

106. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for Centre Pointe B, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0008.

107. Meter Location. Prior to approval of the final map, the Permittee shall submit plans showing the location of the master meter within the City's right-of-way or easement. (E)

108. Meters. Prior to approval of the final map, the Permittee shall submit plans showing numbered master (City) meters and BF devices, e.g., MM-1, MM-2, BFD-1, etc. (E)

109. Sewers. Prior to approval of the final map, the Permittee shall submit revised plans showing property line cleanout for all sewer laterals. (E)

110. Utility Abandonment. Prior to issuance of a grading permit, Permittee shall submit plans showing that all utility lines to be abandoned will be removed and backfilled. (E)

111. Landscape Irrigation. Prior to issuance of a grading permit for Houret, a landscape irrigation plan shall be submitted for the landscaped areas within Houret. (E)

112. Easement Dedication. Prior to approval of the Final Map for Houret, the Permittee shall convey a non-exclusive, 5-foot easement for storm drain maintenance purposes to the City

along the south side of East Penitencia Creek. Increase the width of the existing storm drain PSUE from 15 feet to 20 feet between the end of Houret Drive and Penitencia Creek.

113. Creek Trail. Prior to approval of a final map for Houret, an access and joint use agreement between the City and the Santa Clara Valley Water District (SCVWD) shall be executed to allow construction and use of a recreational trail on SCVWD's right of way along the south bank of East Penitencia Creek. The Permittee shall assume responsibility for maintenance of the trail in coordination with SCVWD.

114. Creek Trail. Prior to submittal for building permit issuance, the Permittee shall submit multi-use trail plans to the Santa Clara Valley Water District for review and approval, and provide their comments to the City. **(E)**

115. Trail Easement. The Permittee shall convey on the final map an access easement to the City over the east/west walkway on Houret which shall be used for trail purposes. The east/west walkway on Houret will only be used for trail purposes only if (1) City and SCVWD do not execute an access and joint use agreement; or (2) the access and joint use agreement were terminated in the future. Subdivider shall assume responsibility for maintenance of the east/west walkway on Houret if it is used for trail purposes.

116. Pedestrian Creek Bridge. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, Permittee shall contribute $250,000.00 towards the design and construction of a pedestrian bridge over East Penitencia Creek in the location as shown on the Site Development Permit. Permittee shall enter into Subdivision Improvement Agreement(s) prior to approval of Final Map MT15-0007 (Centre Pointe B), MT-15-0008 (Centre Point C), and MT15-0009 (Houret) which Agreements shall set forth the percentage of contribution and the payment prior to issuance of the first building permit for each vesting map. (E/P)

Conditions of Approval for District Lot 3A

119. Landscape Irrigation. Prior to issuance of a grading permit for District Lot 3A, a landscape irrigation plan shall be submitted for the landscaped areas within District Lot 3A. (E)

120. Elevation Certification. Upon completion of grading and prior to issuance of a building permit for District Lot 3A, the Permittee shall provide a design elevation certificate for each lot within Vesting Tentative Subdivision Map P-MT15-0009.

121. McCandless Drive: Prior to approval of the Final Map for District Lot 3A, the Permittee of District Lot 3A shall post security, in a form and amount acceptable to the City, sufficient to cover the costs of constructing the Project's share of roadway improvements for McCandless Drive. Specifically, the segment of McCandless Drive immediately to the west of District Lot 3A, including the median improvements and left hand turn pocket from McCandless Drive onto Market Street.

122. Shuttle: To ensure that this permit complies with General Plan Land Use Principle 2a-6-7, prior to issuance of the certificate of occupancy for the hotel, Permittee shall submit for City review and approval a plan to provide a shuttle serving the hotel, the project area, the Great Mall, BART station and VTA station for a term of no less thanthree years. The plan shall include an operations plan identifying time of operation, shuttle stops, routing, and long-term funding for the shuttle, and a schedule for shuttle implementation.

Additional Conditions Applicable to All Subareas Within the Project:

123. Rapid Response Squad. To ensure that this Permit complies with General Plan Land Use Principle 2a-6-7, the Permittee shall contribute 100% of the cost of the rapid attach fire apparatus, to a maximum monitory contribution of $500,000.00 (five hundred thousand dollars). 50% funding shall occur prior to the issuance of a building permit for the hi-rise building(s)/structure(s) and the remainder 50% shall occur prior to the granting of building/structure Occupancy (partial, temporary or final occupancy) by the City Building and Fire Departments. 2013 California Fire Code Section 102.9 (F).

124. Lot Line Adjustment. Center Pointe B and the lot line adjustment The Permitee shall either (1) record a lot tie agreement to tie the two lots under the existing building until such time as the building is demolished; or (2) record a deed restriction restricting its ability to sell the building and requiring Permittee to demolish the building.

125. Density averaging. To ensure compliance with TASP Policy 3.8, Permittee shall cause a deed restriction to be recorded against each parcel within the project memorializing the density averaging principle under which this project has been approved and restricting future development of each parcel in conformance therewith. Such deed restriction shall be in a form acceptable to the City Attorney.

126. Prior to the issuance of a building permit, Permittee shall comply with Milpitas Municipal Code Section XI-10-14 ('Public Art Requirements for Private Development').

127. Prior to issuance of any grading permit, Permittee shall comply with Milpitas Municipal Code Chapter X-2 ('Tree Maintenance and Protection').

128. The Permittee shall provide a construction performance bond equivalent to the cost of the public improvements within the right-of-way along the project frontage.

Key:
(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention
(CA) = City Attorney

EXHIBIT 2
ZONING MAP AMENDMENT

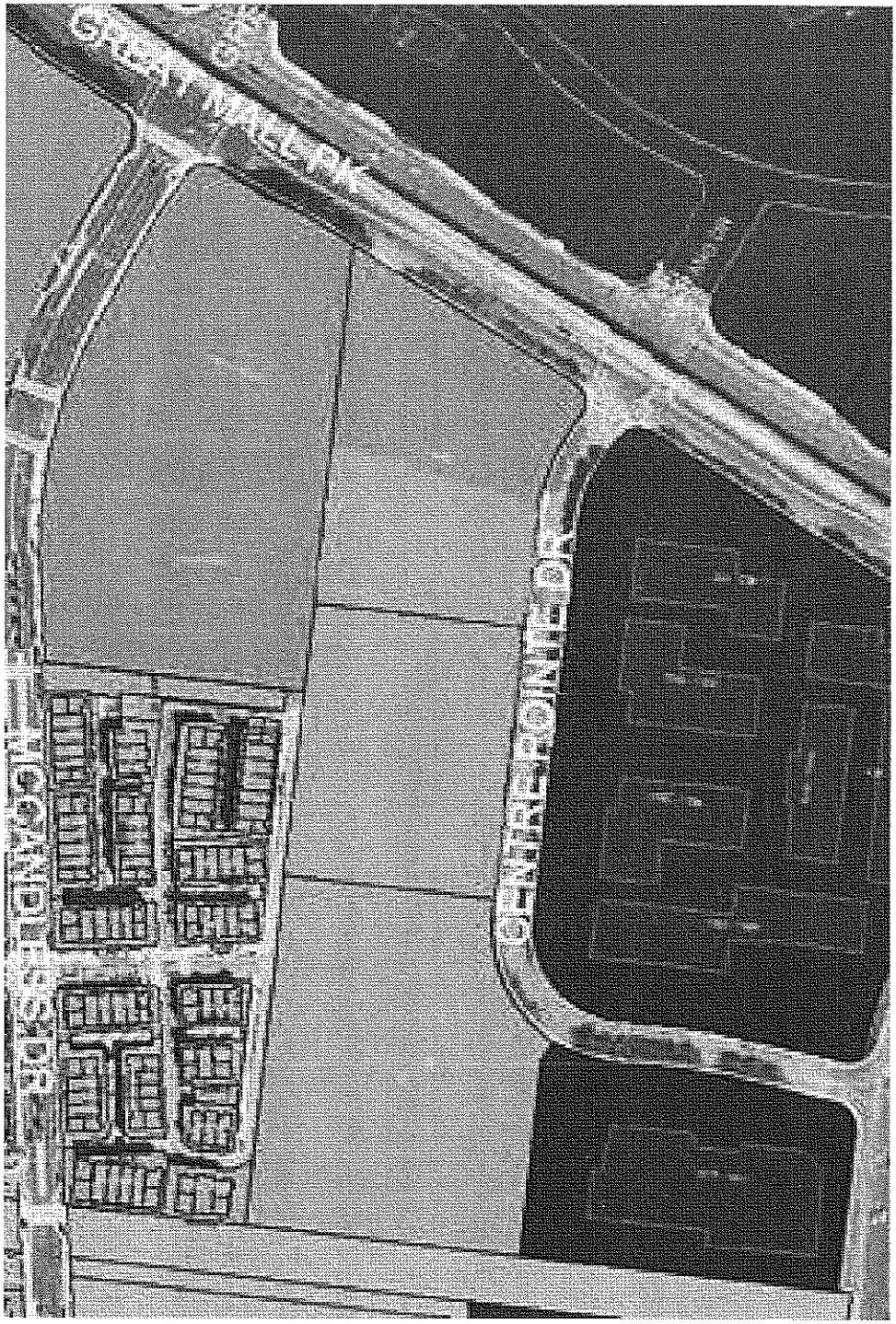
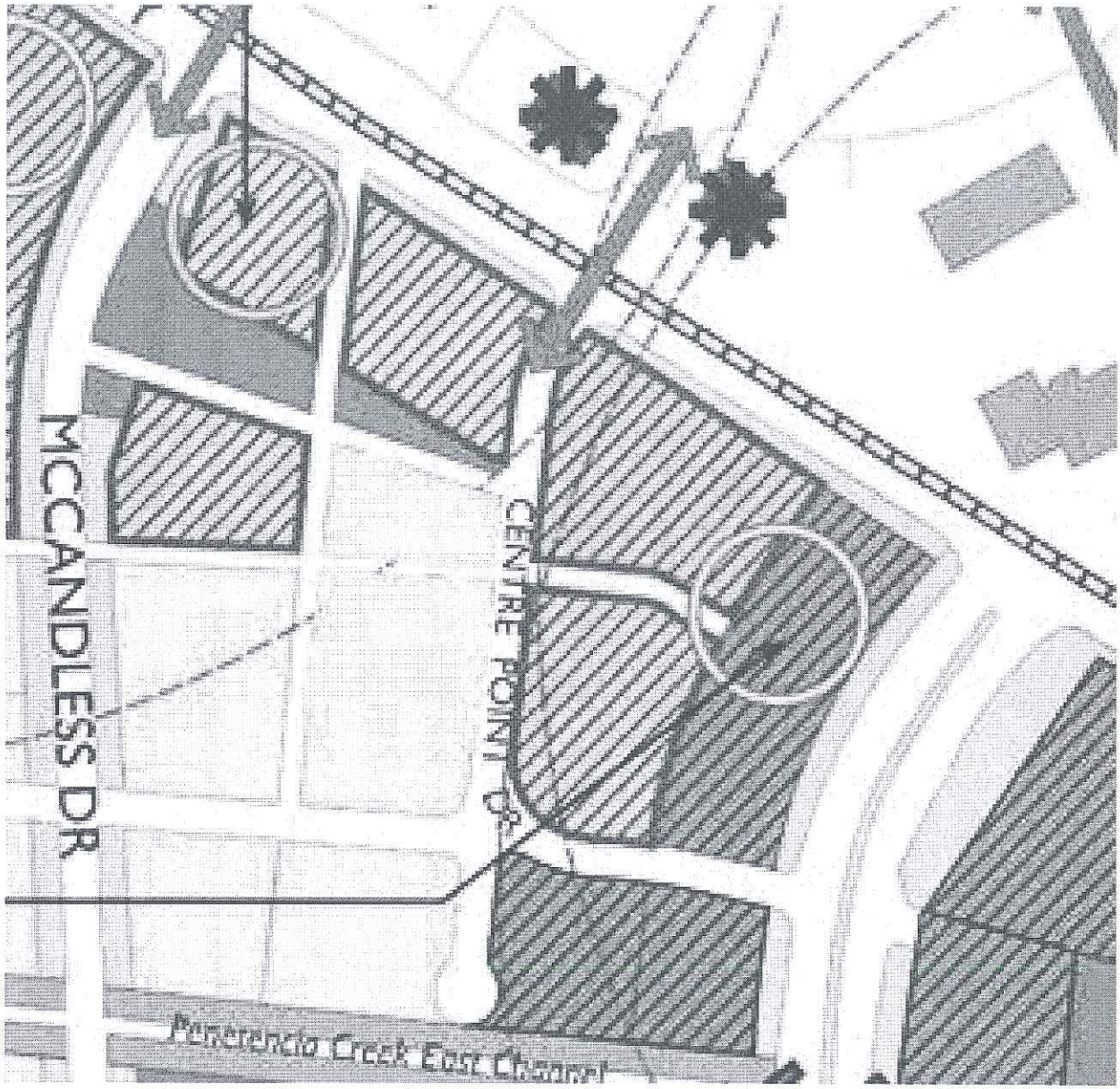


EXHIBIT 3
GENERAL PLAN AND SPECIFIC PLAN AMENDMENT



2G

MILPITAS PLANNING COMMISSION STAFF REPORT

October 28, 2015

APPLICATION: **THE DISTRICT LOTS 2, 3, 4 AMENDMENT AND CENTRE POINTE LOT 3A, B AND C, AND HOURET COURT 1 AND 2 DEVELOPMENT PROPOSAL – GP15-0002; RZ15-0005; ST15-0001; EA15-0005; SD15-0006; MT15-0006, MT15-0007, MT15-0008, MT15-0009; UP15-0010 –** A request for a General Plan Amendment and Transit Area Specific Plan Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR), and a Rezone from MXD2-TOD to R3-TOD for a portion Centre Pointe Lot B.

A request for a Site Development Permit, Major Tentative Maps and a Conditional Use Permit for the construction of a 175-room hotel, a 423 dwelling unit building with 66,421 square feet of retail on a portion of the District Lot 3, and 355 for sale units on Centre Pointe Drive and Houret Court parcels, and associated site improvements on 26.65 acres ("Project").

A request for an amendment to the previously approved District One, Lots 2, 3 and 4 Site Development Permit and Conditional Use Permit to eliminate Lot 3 (mixed-use building with approximately 169 dwelling units and 27,187 of commercial-retail space) from the District 1 Project, and replace the two approximately 400,000 square foot mixed-use buildings on Lots 2 and 4 totaling 392 residential units and approximately 6,000 square feet of commercial-retail space with two five-story mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on the District Lots 2 (186,386 square feet) and District Lot 4 (148,371 square feet).

RECOMMENDATION: **Staff recommends that the Planning Commission:**

Conduct the public hearing and adopt Resolution No. 15-035 recommending the City Council approve an Addendum to the Certified Environmental Impact Report Prepared for the Transit Area Specific Plan (State Clearinghouse No. 2006032091) in support of the Centre Pointe and Houret Court Project located at 1310-1360, 1400-1460, and 1415-1475 McCandless Drive, 1463, 1501, 1507, 1515, 1536-1567, and

1577 – 1601 Centre Pointe Drive, and 231, 247-269, 274, and 1147 Houret Court; and

Adopt Resolution No. 15-036 recommending the City Council approve General Plan Amendment GP15-0002, Rezone RZ15-0005, Specific Plan Amendment ST15-0001, Site Development Permit SD15-0006, Use Permit UP15-0010, and Major Tentative Maps MT15-0006, -0007, -0008, -0009:

1. **Adopt a General Plan Amendment and Transit Area Specific Plan Amendment to change the land use designation from Residential-Retail High Density Mixed (RRMU) to High Density Transit Oriented Residential (HDTOR), and a Rezone from MXD2 to R3 for a portion Centre Pointe Lot B; and**

2. **Approve a Site Development Permit, Major Tentative Maps and a Conditional Use Permit for the construction of a 175 room hotel, a 423 dwelling unit building with 66,421 square feet of retail on a portion of the District Lot 3, and 355 for sale units on Centre Pointe Drive and Houret Court parcels, and associated site improvements on 26.65 acres; and**

3. **Eliminate Lot 3 (mixed-use building with approximately 169 dwelling units and 27,187 of retail square footage) from District 1 Project, and replace two approximately 400,000 square foot mixed-use buildings on Lots 2 and 4 totaling 392 residential units and approximately 6,000 square feet of commercial-retail space with two 460,000 square foot, five-story, mixed-use buildings consisting of 391 residential units and 17,421 square feet of ground floor retail and office space on the District Lots 2 and 4.**

LOCATION:

Address/APN:

1415 - 1475 McCandless Dr. (APN: 86-33-093)
1310 – 1360 McCandless Dr and 1400 – 1460 McCandless Dr. (APN: 086-33-101) 1463 Centre Pointe Dr. (APN: 086-33-086)
1501, 1507, 1515 Centre Pointe Dr. (APN: 086-33-087)
1536 – 1567 Centre Pointe Dr. (APN: 086-33-088)
1577 – 1601 Centre Pointe Dr. (APN: 086-33-089)
231 Houret Ct. (APN: 086-41-034)
247 – 269 Houret Ct. (APN: 086-41-033)
271 Houret Ct. (APN: 086-41-032)
1147 Houret Ct. (APN: 086-41-009)

Area of City:	Transit Area Specific Plan (TASP) area – McCandless/Centre Pointe and Montague Corridor sub-districts
PEOPLE:	
Project Applicant:	Peter Zak, Lyon Communities
Consultant(s):	Jorge Duran, RJA Civil Engineers
Property Owners:	The Great Mall Parkway Project, LLC Jaime Chahine Integral Milpitas Partner, LLC, Jaime Chahine The Milpitas Project Owner, LP Integral Communities McCandless, LLC KPMW Integral, LLC CP Land, LLC IPCP Investor, LLC The Houret Project Owner, LLC Integral Communities Houret Partners, LLC
Project Planner:	Adam Petersen/Bill Ekern
LAND USE:	
General Plan Designations:	Residential Retail High Density Mixed Use (RRMU); Multi-Family Residential High Density (MFH); and Boulevard Very High Density, Mixed Use (BVHDMU)
Zoning District:	High Density Mixed Use (MXD2); Multi-Family High Density Residential (R3); Mixed Use, Very High Density (MXD3)
Overlay District:	Transit Oriented Development (TOD) and Site and Architectural Overlay (S)
ENVIRONMENTAL:	In accordance with Section 15164 of the California Environmental Quality Act (CEQA), and Environmental Impact Assessment No. EA15-0005, an addendum has been prepared to the Transit Area Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006032091) certified by the City Council on June 3, 2008 (Resolution No. 7759). (Please access the TASP FEIR through these links.) http://www.ci.milpitas.ca.gov/_pdfs/plan_eir_tasp_draft.pdf http://www.ci.milpitas.ca.gov/_pdfs/plan_eir_tasp_final.pdf

EXECUTIVE SUMMARY

The Project consists of a master-planned development comprised of six distinct planning areas – each of which will be developed with a mix of multi-family residential and retail uses, or residential for sale units with loft and townhouse product types.

The applicant is requesting a General Plan Map Amendment, Specific Plan Amendment, Zoning Map Amendment, Site Development Permit, Conditional Use Permit and four Vesting Tentative Maps to allow the development of 814 Multi-Family units (mapped as condos, but operated for

rent), 355 3-story for sale flats and loft split units for a total of 1,169 dwelling units; 83,842 sf of retail and commercial uses, and a 175-room, 9-story hotel.

The project is a master-planned development consisting of six separate subareas, as follows:

- District Lot 2 is a 218 rental unit multi-family residential development with approximately 3,480 sf of retail/commercial uses. District Lot 2 has been mapped for residential uses pursuant to Vesting Tentative Map No. TM11-0002approved by the City on March 20, 2012. This Vesting Tentative Map was determined to be in substantial conformance with the revised site plan reflected in the Site Development Permit applied for with this project.

- District Lot 4 is a multi-family residential development consisting of 173 rental units with approximately 13,941 square feet of retail. District Lot 4 has been mapped for residential uses pursuant to Vesting Tentative Map No. TM11-0002 approved by the City on March 20, 2012. This Vesting Tentative Map was determined to be in substantial conformance with the revised site plan reflected in the Site Development Permit applied for with this project.

- Centre Pointe Site A/District Lot 3 consists of a 175-room hotel, 66,421 square feet of retail, and 423 multifamily rental units. The Project includes an application for a Vesting Tentative Map No. MT15-0009.

- Centre Pointe Site B consists of 105 for sale, three and four story dwelling units. The Project includes an application for a Vesting Tentative Map No. MT15-0006.

- Centre Pointe Site C consists of 136 for sale, three and four story dwelling units. The Project includes an application for a Vesting Tentative Map No. MT15-0007.

- Houret consists of 114 for sale, three and four story townhome units. The Project includes an application for a Vesting Tentative Map No. MT15-0008.

To ensure overall project consistency, the applicant has also applied for a Site Development Permit that encompasses all six subareas, and a Conditional Use Permit to address a limited number of deviations from the development standards set forth in the TASP.

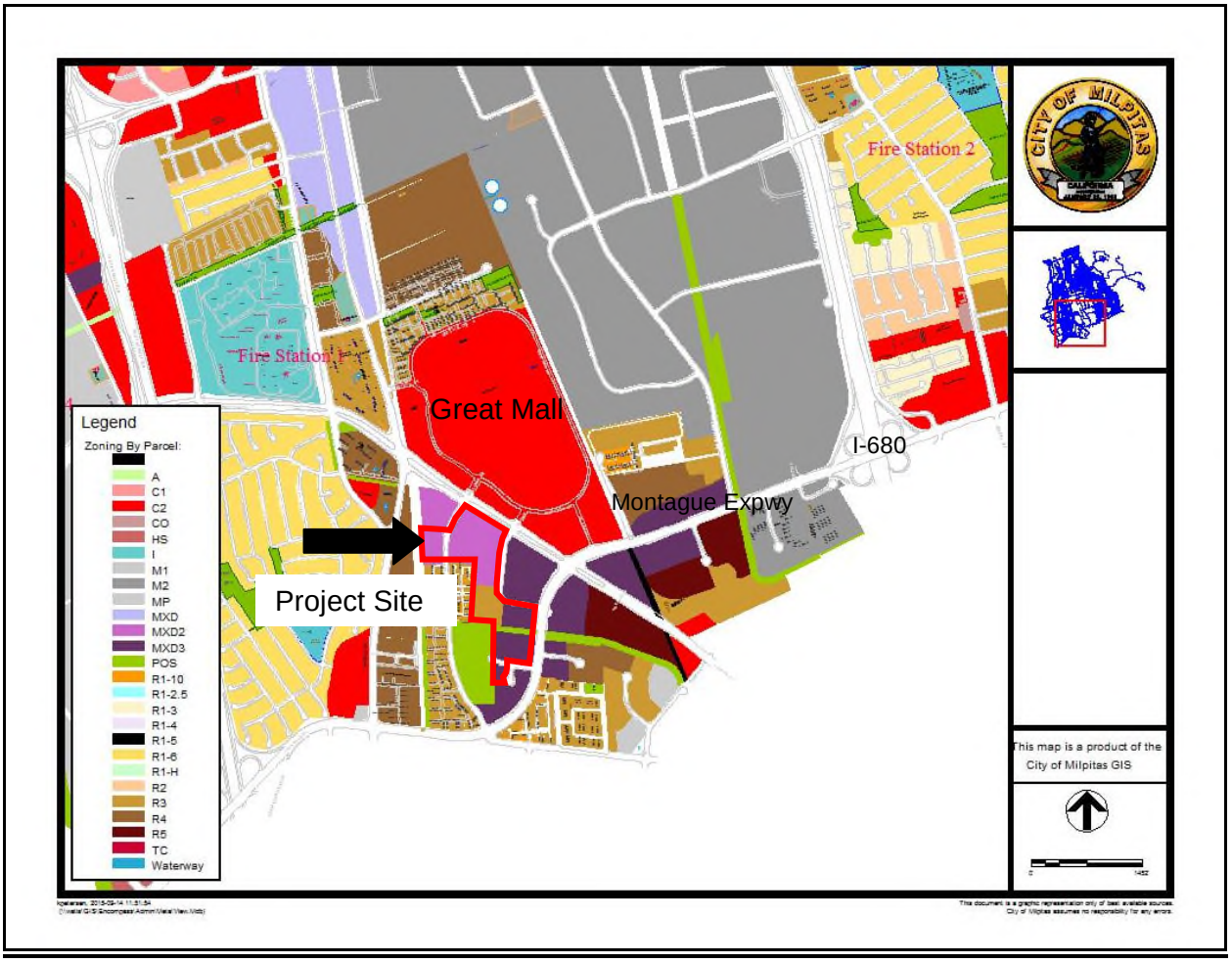
Amendments to the General Plan land use map, the TASP zoning map and City zoning map are requested to change the land use designation of a portion of Centre Pointe B subarea from MXD-2-TOD to R3-TOD to ensure that the entire Centre Pointe B subarea can be developed for three and four story flats consistent with the adjacent Centre Pointe B subarea.

The project would also include the development of a public plaza area at the corner of Market Street and McCandless Drive, on-site parking, on-street parking, landscaping and other associated landscape improvements. The project also proposes the construction of Market Street as a two-way street, Bond Street, and Centre Pointe Drive, as well as pedestrian walkways, paseos and recreational trails along the north and south banks of East Penitencia Creek. The

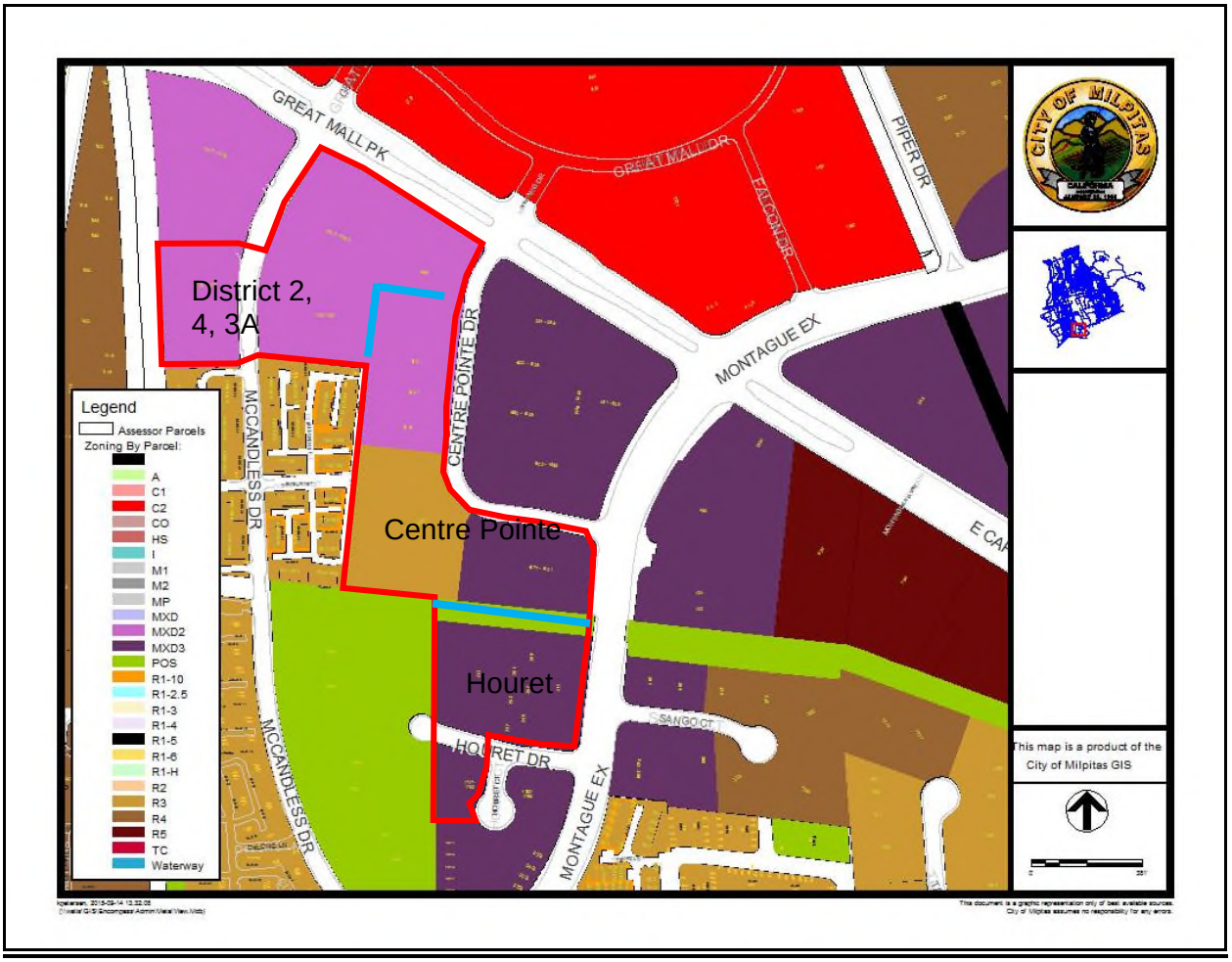
project provides an approximately 1,700 square feet at the intersection of Montague Expressway and East Penitencia Creek to accommodate a landing area for a proposed Pedestrian Bridge over Montague Expressway.

The developer proposes a series of public benefits as required by the TASP when a Conditional Use Permit is requested. The significant benefits proposed include a rapid response vehicle for the Fire Department (valued at approximately $500,000); a contribution to the construction of a pedestrian bridge over Penitencia Creek (valued at approximately $250,000), and a commitment to operate a public shuttle bus system linking the proposed hotel to BART, VTA light rail, and the Great Mall (valued at approximately $150,000/year).

Map 1
Project Vicinity Map



Map 2
Project Zoning Map



Map 3
Site Aerial

* Aerial photo is not a current image.

BACKGROUND

History

On June 3, 2008, the City Council adopted the Transit Area Specific Plan. The Plan encompasses 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office space and industrial. The plan includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The District and Centre Pointe History

- **2010: McCandless/The District Tentative Map Entitlements – 8 High-Density Mixed-Use Buildings**

In 2010, the Integral Communities received approvals from the Planning Commission and City Council for a tentative map and conditional use permit to construct eight high-density residential buildings along McCandless Drive with significant retail and commercial space in the first two buildings along Great Mall Parkway. The project included a maximum of 1,328 dwelling units and 75,000 square feet of retail/commercial space. The project also included an Owner Participation Agreement (OPA) that was approved by the City Council on August 3, 2010.

- **2012: "The District" - Mixed-use "Santana Row" style buildings and townhouse units Entitlements.**

In 2012, the project applicant received City Council and Planning Commission approval to amend the 2010 entitlements to replace four of the eight large buildings along McCandless Drive with a 200-unit townhouse project. The project included a Site Development Permit (SD11-0001) to review the architecture of the buildings, Conditional Use Permit (UP11-0037) to allow a grocery store on Lot 1 and Major Tentative Map (MT11-0002) to create 27 townhouse building lots and associated common areas. The approved changes resulted in a net decrease of 226 dwelling units from District 2 and net increase of 6,000 square feet of ground floor retail for Lots 2 and 4.

- **2014: "The District" and "Centre Pointe" – Mixed-Use and Condominium Project**

In November 2014, the Planning reviewed a proposal for the subject site, which consisted of the following requests:

- *Site Development Permit (SD13-0010 and SD13-0013):* To allow an amendment to Lots 2 and 4 changing them from large high-density mixed-use residential buildings to townhouse units resulting in a net decrease of 284 units, a net decrease of approximately 6,000 square feet of ground floor retail, relocation of the Urban Plaza from Lot 4 to Lot 3 and removing Lot 3 from the District project to the adjacent Centre Pointe project resulting in the elimination of a high-density mixed-used building on Lot 3 and eliminating approximately

169 residential units and 27,000 square feet of retail/commercial space entirely from the District project; and proposing a 362 apartment unit, 55,431 square foot of commercial space in a mixed use building and approximately 241 condominium/townhouse.

- *Major Tentative Map (MT13-0005 and MT13-0007):* To amend the original Tentative Map relocating the Urban Plaza to Lot 3 and the creation of 18 townhouse-building lots, associated common lots on Lots 2 and 4 and removal of Lot 3 from the map.
- *Conditional Use Permit (UP13-0009 and UP13-0013):* To amend the original Conditional Use Permit pertaining to Lots 2 and 4 to allow change from mixed use to townhouses, to allow tandem garage spaces and to allow reduction in TASP-required setbacks.

The Planning Commission voted to deny the requested entitlements in 2014, and the application was subsequently withdrawn.

PROJECT DESCRIPTION

The project consists of a master-planned development comprised of six distinct planning areas that will be developed with a mixture of hotel, multi-family residential, retail uses, and residential for-sale units with loft and townhouse product types. The project covers approximately 26.65 acres.

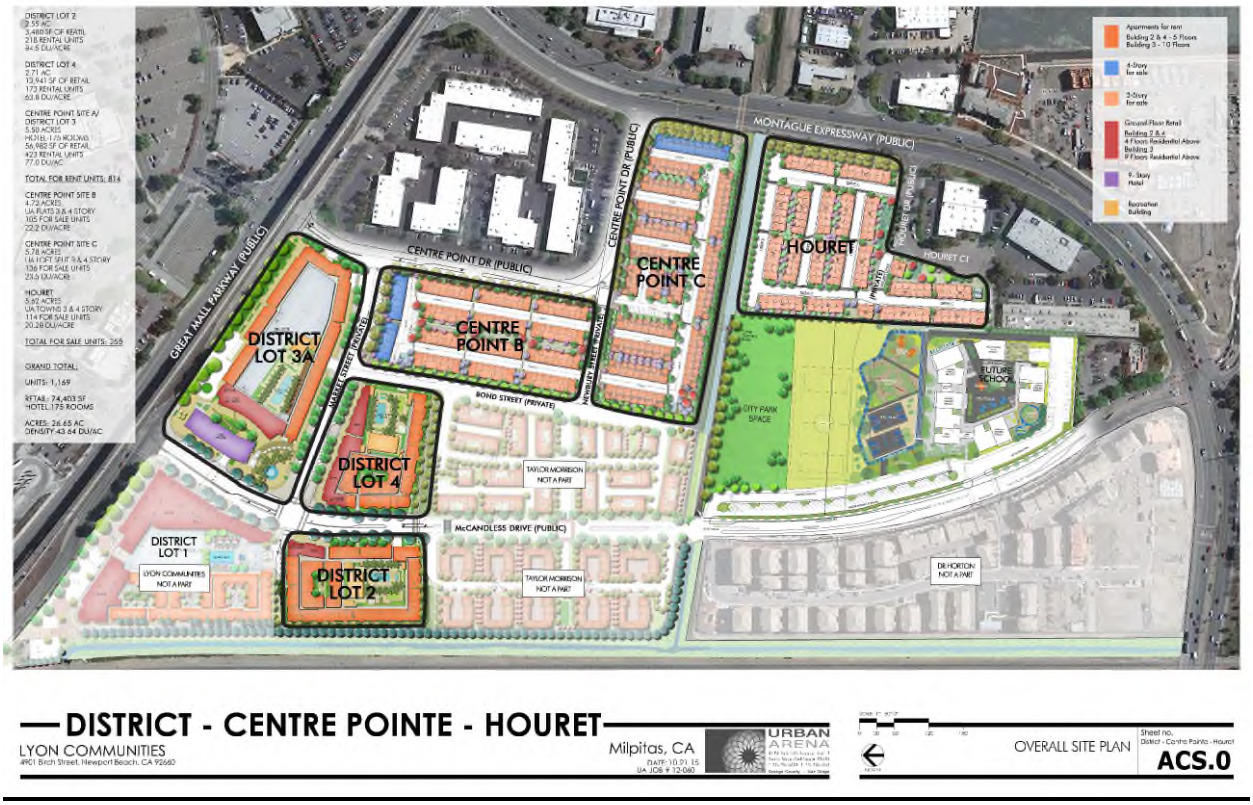
The applicant requests approval of a General Plan Amendment, Specific Plan Amendment, Rezone, Site Development Permit, Use Permit and Tentative Maps for the project. The project is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Penitencia Creek to the west and Houret Drive to the south. Table 1 below summarizes the areas of the project, and Map 4 illustrates the proposed project.

Table 1
Project Summary

	Planning Area	APN	Acreage	Density	Product Type
1	District Lot 2	86-33-093	2.585 acres	218 du (84.3 du/ac) 3,480 sf ground floor retail	5-story Multi-family Rental
2	District Lot 4	Portion of 86-33-101	2.68 acres	173 du (64.5 du/ac) 13,941 sf ground floor retail	5-story Multi-family Rental
3	District Lot 3 / Centre Pointe Site A	Portions of 86-33-101 and 86-33-086	5.49 acres	175 room hotel w/ground floor retail (7,286 sq. ft.) 9-story hotel 66,421 sq. ft. retail 423 du (77 du/ac) 4-9 floors rental above ground floor retail 10 floor rental	4-9 floors rental above ground floor retail 10 floor rental 9-story hotel
4	Centre Pointe Site B	Portions of 86-33-86; -087; -088	4.72 acres	105 du (22.2 du/ac)	3 and 4-story for sale units Loft Split 4 story Split Loft

	Planning Area	APN	Acreage	Density	Product Type
5	Centre Pointe Site C	Portion of 86-33-088 and all of 86-33-089	5.81 acres	136 du (23.4 du/ac)	3 and 4-story for sale units Loft Split 4 story Split Loft
6	Houret	86-41-032; -033; -034; 86-41-009	5.30 acres	114 units (21.5 du/ac)	3 and 4-story for sale units
	Total			Multi-Family: 814 units (mapped as condos, but operated for rent) For Sale: 355 units SF retail: 83,842 Hotel rooms: 175 rooms	

Map 4
Project Proposal



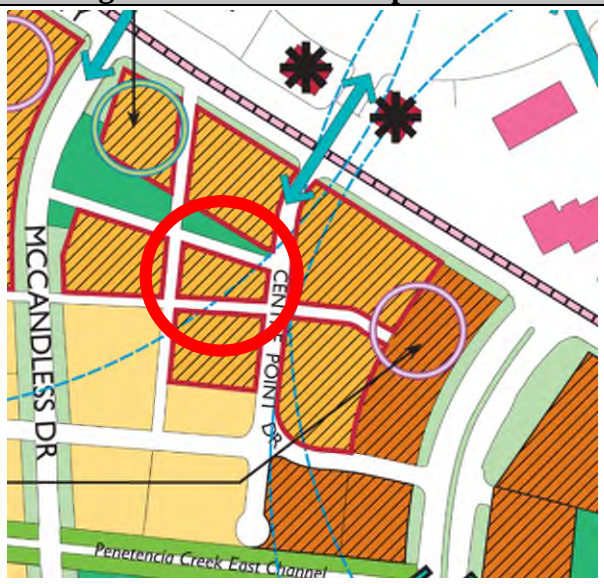
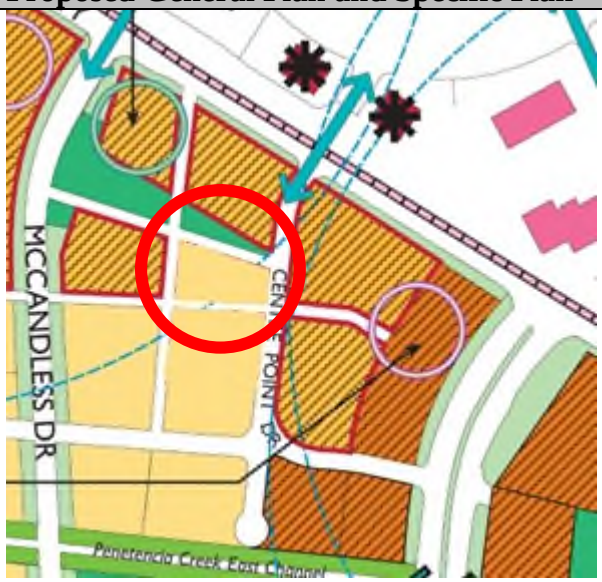
General Plan Amendment, Specific Plan Amendment and Rezone

The project includes a request for a General Plan and Specific Plan Amendment to change the land use designation on a portion of Centre Pointe Lot B. The General Plan land use designation would change from Residential Retail High Density Mixed-Use (RRMU) to High Density Transit Oriented Residential (HDTOR). Map 5 below illustrates the area of the proposed General Plan and Specific Plan Amendment. The requested amendment would alter TASP Figure 5-1 (Street Design and Character), removing the retail mixed use designation from a portion of the development along western portion of Centre Pointe Drive, from Market Street to Newbury Street. The requested amendment also requires an amendment to Figure 3-1 in TASP to clarify the zoning change that eliminates the retail requirement from the Centre Pointe B property.

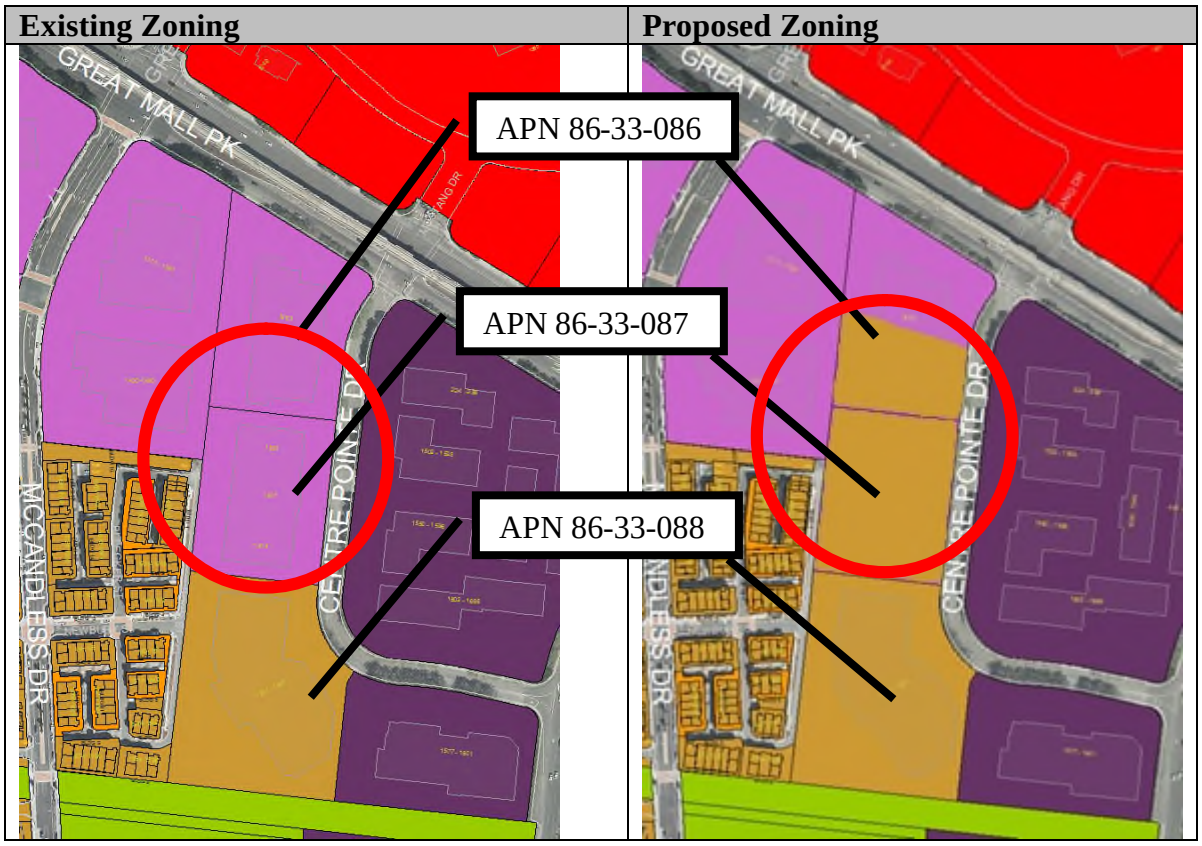
Accompanying the General Plan and Specific Plan Amendment is a request to rezone the same areas from High Density Mixed Use (MXD2) to Multi-Family High Density Residential (R3). Map 6 illustrates the existing and proposed Rezone.

The requested General Plan and Specific Plan Amendment, and Rezone would affect parcels 86-33-086 and 86-33-087, totaling approximately 3.287 acres.

Map 5
Existing and Proposed General Plan Land Use Designation

Existing General Plan and Specific Plan	Proposed General Plan and Specific Plan
	

Map 6
Existing and Proposed Zoning



Site Development Permit, Tentative Subdivision Maps and Conditional Use Permit

District Lot 2 and 4:
The proposed District Lots 2 and 4 would supersede the approved Site Development Permit for these lots. The project proposes one less unit than the entitled project, and the design of the buildings would be modified. The project proposes two buildings comprised of 5-story, multifamily rental apartments in a "wrap" configuration with the residential units surrounding an interior parking structure. Recreational amenities include a pool and lounge area. District Lot 2 is approximately 2.585 acres and located west of McCandless Drive and adjacent to proposed residential development being constructed by Lyon Communities to the north, and Taylor Morrison to the south. District Lot 4 is approximately 2.68 acres and located between McCandless Drive, Bond Street, Market Street, and a proposed residential development to be constructed by Taylor Morrison. Ground floor, neighborhood serving retail will be developed in conjunction with these multi-family developments. The average density of development of District Lot 2 is approximately 84.3 du/acre and approximately 64.5 du/acre for District Lot 4.

District / Centre Pointe Lot 3A:
District Lot 3/Centre Pointe A proposes to contain a 9-story hotel with ground floor retail on the western edge of the site, adjacent to McCandless Drive. The hotel will be flanked by a 10-story multi-family building with 423 dwelling units above 66,421 square feet of retail on the ground

floor. The retail uses will front on Market Street and Great Mall Parkway. Parking is provided in a structure located in the center of the development, which is surrounded by the residential, commercial and hotel uses. District Lot 3/Centre Pointe A is adjacent to the Great Mall Parkway and between Centre Pointe Drive and McCandless Drive with Market Street to the south. The average density of the multi-family development proposed on Centre Point A is approximately 77 du/acres, and will be developed as 9 floors above ground floor retail that will surround a 10-story multifamily building.

Centre Pointe Lot B and C:
Centre Pointe B, located between Centre Pointe Drive, Bond Street, Market Street and Newbury Street is proposed to be developed with 105 for sale 3- and 4-story units at a density of 22.2 du/acre on this 4.72 acre site.

Centre Pointe C is approximately 5.81 acres located between Bond Street, Newbury Street, Montague Expressway and the Penitencia Creek, and is proposed to be developed with 4-story for-sale units adjacent to Montague Expressway, and 3-story for-sale units on the remainder of the site. Approximately 136 for-sale loft type units are proposed at a density of 23.4 du/acre.

Houret:
The Houret area is located south of Penitencia Creek, west of Montague Expressway, and north of Houret Court and west of Houret Court and east of a future school site. This area will have a similar product mix as Centre Pointe C with 83 4-story for-sale units adjacent to Montague Expressway and 31 3-story for-sale units on the remainder of the site. Houret is 5.30 acres, and has a density of 21.5 dwelling units per acre.

Circulation and Infrastructure Improvements
The Project will provide landscaping on the southern side of Newbury Street and will stripe a new four-way stop at the intersection of Newbury Street, Centre Point Drive, and "Drive G" (a new proposed street between Newbury Street and Penitencia Creek). The Project will also provide landscaping and on-street parking along Market Street. The Project will also provide improvements to Centre Pointe Drive by removing the existing curb.

The project will provide improvements and landscaping to the portions of McCandless Drive and Bond Street that border the Project area.

Finally, the Project will provide land to accommodate the alignment of one pedestrian bridge over Penitencia Creek and provide sufficient land to accommodate a landing area for a pedestrian bridge over Montague Expressway.

Because the Project site is located within the 100-year flood zone, the Project will be graded to ensure that all residential and commercial development pads are raised above the flood zone. Market Street and Newbury Street will be designed and constructed to provide flood paths in the event of a 100-year storm.

The Project will also provide all necessary infrastructure for water and sewer.

Parking
Parking for District Lots 2, 3, 4 and Centre Pointe Site A will be provided through parking structures located in the interior of each planning area, with additional street parking provided on Market Street.

Parking for the for-sale units in Centre Pointe Site B, Site C and Houret will be provided in street level garages associated with each unit.

PROJECT ANALYSIS

General Plan Amendment, Specific Plan Amendment

The Project proposes to amend a portion of the General Plan and Specific Plan Land Use Designation from Residential Retail High Density Mixed-Use (RRMU) to High Density Transit Oriented Residential (HDTOR). The amendment is proposed for one parcel and a portion of another parcel. Table 2 lists the proposed General Plan/Specific Plan Amendment that affects the following parcels:

Table 2
General Plan and Specific Plan Amendment

Lot	APN	Existing General Plan (GP) / Specific Plan (SP) Designations	Proposed General Plan / Specific Plan Designations
Centre Pointe Site B	0.625 acre portion of 86-33-086	GP: Residential Retail High Density Mixed Use (RRMU)	GP: Multi-Family Residential High Density (MFH)
		SP: Residential Retail High Density Mixed Use (RRMU)	SP: High Density Transit Oriented Residential (HDTOD)
	86-33-087	GP: Residential Retail High Density Mixed Use (RRMU)	GP: Multi-Family Residential High Density (MFH)
		SP: Residential Retail High Density Mixed Use (RRMU)	SP: High Density Transit Oriented Residential (HDTOD)

The proposed amendments are consistent with the intent of the requested General Plan and Specific Plan Multi-Family Residential High Density and High Density Transit Oriented Residential land use designation. The General Plan and Specific Plan describe the High Density Transit Oriented Residential land use as intended for medium-density residential neighborhoods further from BART at the interior of the sub-district neighborhoods. The proposed amendment area is located approximately seven-tenths of a mile from the Milpitas BART Station and along the western area of the TASP. Further, it is located interior to the proposed District project. The site is bordered by other medium density residential uses to the south and to the west. High-density uses along Centre Pointe Drive also form a buffer for the site from Montague Expressway. Amending TASP Figure 5-1 to remove the retail mixed-use street design

requirements for this area would maintain consistency with the High Density Residential land use designations because these designations do not have a retail requirement. Given these conditions, the requested land use designation and change to TASP Figure 5-1 is consistent with the intent of high density residential land use description, and is therefore consistent with the General Plan and Specific Plan.

Rezone

The Project proposes to amend the zoning designation for the same sites from High Density Mixed-Use (MXD2) to Multi-Family High Density Residential (R3). The project is consistent with this Zone because it proposes high-density residential units for sale. The R3 zone and intensity of the land use is the same as land uses located to the south and the west of the Project site. Further, the requested R3 zone is consistent with and implements the HDTOR General Plan and Specific Plan land use designation. Therefore, the requested Zone change implements the purpose and intent of the R3 zone, is consistent with adjacent uses, and is consistent with the City's General Plan.

General Plan Conformance

Table 3 presents the multiple General Plan Designations, required density and general description of each sub area in the project:

Table 3
General Plan Descriptions

	Planning Area	General Plan Land Use Designation	Minimum Density Requirement	General Description
1	District Lot 2	Residential-Retail High Density Mixed-Use	31 – 50 du/ac	A mixed use area with retail, restaurants, and services on the ground floor, and residential, hotel, or office uses on floors above or horizontally mixed.
2	District Lot 4	Residential-Retail High Density Mixed-Use	31 – 50 du/ac	
3	District Lot 3 / Centre Pointe Site A	Residential-Retail High Density Mixed-Use	31 – 50 du/ac	
4	Centre Pointe Site B	Residential Retail High Density Mixed Use changed to: High Density Transit Oriented Residential	21 – 40 du/ac	These properties are intended for medium-density residential neighborhoods further from BART, at the interior of subdistrict neighborhoods.
5	Centre Pointe Site C	Multi-Family High Density Residential and Boulevard Very High Density Mixed Use	21 – 40 du/ac and 41 – 60 du/ac	This designation is intended to provide high-density housing, retail, and employment along Montague Expressway which has a landscaped boulevard character.
6	Houret	Boulevard Very High Density Mixed Use	41 – 60 du/ac	These properties are intended for medium-density residential neighborhoods further from BART, at the interior of subdistrict neighborhoods.

These designations were identified as appropriate land uses during the development of the TASP because of the proximity to the existing VTA station and future BART station. The future BART station is approximately seven-tenths of a mile from the residential uses, and the residential uses are located interior to the project site, away from major roadways. These designations require a range of densities from 21 dwelling units per acre to 60 dwelling units per acre. As shown in the Specific Plan Analysis section, the overall density of project falls within the mid-range density. Further, the mixed-use designations on the District Lots 2, 4, and 3 allow for retail space at the ground floor, and the project provides this use. The proposed project is consistent with the General Plan and TASP land use designations and densities.

Specific Plan Conformance

The entire District project falls within the mid-range density prescribed by the TASP. The project locates the majority of the density around McCandless Drive and Great Mall Parkway on the District Lots 2, 3, and 4, while the Centre Pointe and Houret sites provide townhouse style densities. The TASP permits this type of development pursuant to Policy 3.8, and the overall project density is within the average mid-range density. Therefore, the project is consistent with the Specific Plan. Table 4 presents a summary of the density analysis:

Table 4
TASP Density Analysis

Site	Density			
	Required	**Units**	**Acres**	**Proposed Density DU/AC**
Lot 2	31 – 50 du/ac	218	2.55	85.49 du/ac
Lot 4	31 – 50 du/ac	173	2.71	63.83 du/ac
Lot 3	31 – 50 du/ac	423	5.49	77.05 du/ac
Centre Pointe Lot B	21 – 40 du/ac	105	4.72	22.2 du/ac
Centre Pointe Lot C	21 – 40 du/ac and 41 – 60 du/ac	136	5.78	23.5 du/ac
Houret	41 – 60 du/ac	114	5.30	21.5 du/ac
Average	**37 – 59 du/ac**	1,169 du	26.6 ac	**43.9 du/ac**

The Specific Plan Land Use Designation for the District Lots 2, 3 and 4 contains a requirement for commercial and retail space. The proposed project exceeds this commercial requirement, as demonstrated in Table 5. Therefore, the project is consistent with the TASP commercial requirement.

Table 5
TASP Retail Requirement

Site	Floor Area			
	Min Density	**Requirement**	**Area Required**	**Area Provided**
Lot 2	31 du/ac	200 sq. ft. per unit based on minimum density	15,810 sq. ft.	3,480 sq. ft.
Lot 4	31 du/ac		16,802 sq. ft.	13,941 sq. ft.
Lot 3	31 du/ac		34,038 sq. ft.	66,421 sq. ft.
Centre Pointe Lot B	--	0 sq. ft. per unit	0 sq. ft.	--
Centre Pointe Lot C	--	0 sq. ft. per unit	0 sq. ft.	--
Houret	--	0 sq. ft. per unit	0 sq. ft.	--
Total	--	--	**66,650 sq. ft.**	**83,842 sq. ft.**

As demonstrated by Table 5, the project exceeds the commercial retail space requirements. The minimum TASP standards generate a demand for 66,650 square feet of commercial space, while the project provides 83,842 square feet. This amount exceed the commercial requirement by approximately 17,000 square feet. This will benefit the City with additional jobs and sales tax revenue. Therefore, the project satisfies the TASP requirements for commercial space.

The TASP divides the areas into subdistricts, and each subdistrict contains specific policies that guide development. The District project is divided between the McCandless/Centre Pointe subdistrict and the Montague Expressway subdistrict. Table 6 provides an analysis of the project's consistency with applicable policies from the two subdistricts and other policies from the TASP:

Table 6
Consistency with Transit Area Specific Plan Policies

Policy	Complies?
Policy 3.4: Provide a variety of housing types for different types of households, different income levels, different age groups, and different life-styles.	**Yes.** The project includes high-density residential units in mixed-use buildings and townhouse units.
Policy 3.6: Encourage creativity in high-density residential design. Allow housing types, such as live/work lofts that are not currently developed in the city.	**Yes.** The project includes high-density residential units in mixed-use buildings and townhouse units
Policy 3.17: New streets shall be located as generally shown on the Street System Map, Figure 3-2.	**Yes.** The street have been located in a pattern consistent with the TASP.
Policy 3.18: New development must dedicate land for new public streets and pay for their construction.	**Yes.** The project will dedicate land for Newbury and Bond Streets and for the improvement of Centre Pointe Drive.
Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways.	**Yes.** The project proposes a trail network along Penitencia Creek.

Policy	Complies?
Policy 3.56: Connections shall be created across Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.	**Yes.** The project proposes a landing area for the pedestrian crossing over Montague Expressway on Centre Pointe Lot C. Additionally, the project provides a pedestrian bridge from Centre Pointe Lot C to the proposed City park site and school.
Policy 3.57: All properties along the trail network will need to set aside land for the trails. This land will count towards the required public park land dedication requirement. Refer to Figure 3-7 for required dimensions. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land on development sites.	**Yes.** The project provides a 12 ft. wide trail along Penitencia East Creek Channel.
Policy 3.59: Create a 45-foot deep continuous landscaped setback on Montague Expressway.	**Yes.** The project provides a 45 ft. deep setback along Centre Pointe Lot C and the Houret Site.
Policy 4.2 (MON): New curb cuts and auto access onto Montague Expressway are strongly discouraged, unless specifically indicated on the Plan map.	**Yes.** The project does not propose curb cuts along Montague Expressway. The project utilizes the existing Houret Drive access.
Policy 4.4 (MON): A 45-foot wide, landscaped setback is required from the future right of way line of Montague Expressway.	**Yes.** The project provides a 45 ft. deep setback along Centre Pointe Lot C and the Houret Site.
Policy 4.5 (MON): New development along Montague Expressway must dedicate land, such that a total of 79 feet from the roadway centerline is provided, to accommodate the future Montague Expressway widening project.	**Yes.** The project provides a setback of 79 ft. from the centerline of Montague Expressway.
Policy 4.6 (MON): Buildings will be designed with facades facing Montague Expressway.	**Yes.** Building in Centre Pointe Lot C and Houret are designed with facades facing Montague Expressway.
Policy 4.63 (MC-C): Create three street connections between McCandless Drive and Centre Point Drive. However, a public pedestrian pathway can be substituted for one of the streets.	**Yes.** The project proposes Market Street and Newbury Road from McCandless Drive to Centre Pointe Drive. The third connection is a pedestrian pathway through Centre Pointe Lot B from McCandless Drive to Centre Pointe Drive.
Policy 4.64 (MC-C): Create a new north/south street parallel to McCandless Drive and Centre Point Drive to provide access to parking as well as service and loading functions.	**Yes.** The project proposes Bond Street as a new north/south parallel street.
Policy 4.69 (MC-C): Create a mixed-use area with retail, restaurant, and personal service uses in the area closest to Great Mall Parkway.	**Yes.** The project provides over 80,000 square feet of commercial space, over 800 units adjacent to Great Mall Parkway, and a

Policy	Complies?
	175-room hotel.
Policy 4.70 (MC-C): Create a high-density residential neighborhood at the interior of the sub-district, centered along McCandless Drive.	**Yes.** The project proposes over 800 units at the interior of the subdistrict centered on McCandless Drive and Bond Street.
Policy 4.73 (MC-C): Create a plaza or other type of public space in the retail mixed use district, located as shown in the Plan Map.	**Yes.** The project provides a commercial promenade at the southeast corner of McCandless Drive and the proposed Market Street. This promenade is 0.83 acres and is the same size as the plaza proposed in the TASP.
Policy 4.74 (MC-C): Create a trail along the Penitencia Creek East Channel.	**Yes.** The project provides a 12 ft. wide trail along Penitencia East Creek Channel.

Vesting Tentative Maps

The application includes four Vesting Tentative Maps for District/Centre Point Lot 3, Centre Pointe Lots B and C and Houret. The uses and residential densities of the proposed maps are consistent with the General Plan and zoning as amended. Pursuant to Milpitas Municipal Code Section XI-1-4.06(a), an approved tentative map is valid for twenty-four (24) months from date of approval or conditional approval. Pursuant to Milpitas Municipal Code Section XI-10-64.06(b), the Subdivider shall have the right to request an extension of the map for one year. Subdivider has submitted an application for an extension for Vesting Tentative Map Nos. 15-0006, 15-0007, 15-0008, and 15-0009 and has requested that the extension be granted after the Council adopts Resolution 15-036 approving the four Vesting Tentative Maps, thus providing for an initial term of the vesting tentative maps of twenty-four (24) months, followed by an extension of twelve months, for a total approved term of thirty-six months from the date of approval of Resolution 15-036.

The application also carries forward prior Vesting Tentative Map No. TM11-0002 for District Lots 2 and 4, which were mapped for residential uses and approved by the City on March 20, 2012. This map is consistent with the District Lot 2 and District Lot 4 site plans in the Site Development Permit application, SD 15-0006.

Site Development Permit

Development Standards

The following tables demonstrate the project's consistency with the applicable development standards of the Very High Density Mixed-Use Zone (MXD3), High Density Mixed-Use Zone (MXD2), and Multi-Family High Density Residential (R3). As is allowed by the TASP, the applicant has requested a use permit where the project does not comply with the minimum setback requirements or other development standards. In addition, the project in its entirety falls within the range of averaged minimum and maximum densities required of all of the six subareas, though each subarea does not necessarily comply with the given minimum and maximum density range assigned to it. This density averaging principle is permitted by TASP Policy 3.8, provided each subarea is conditioned to ensure that project-wide densities do not end up above or below the project-wide minimum and maximum densities.

Table 7
District Building Lot 2 Development Standard Analysis

MXD2-TOD	Minimum Standard	Proposed	Complies?
Setbacks (Minimum) **Front (McCandless Dr.)** **Interior (North)** **Interior (South)** **Rear** o **Creek Setback**	 8-15 feet 10 feet 10 feet 10 feet o 25 Feet	 26 feet 30 feet 10 feet 18 feet o 25 feet	 Yes Yes Yes Yes
Building Height (Maximum)	6 stories or 75 feet	6 stories	Yes
Parking (Minimum)	287 residential + 43guest + 9 retail = 339	351	Yes
FAR	1.88	2.03*	Yes, with a Use Permit
Block Size	Minimum 2 acres Maximum 4 acres	2.55 acres	Yes
Open Space	Min 40 sq. ft. for balconies and Min of 50 sq. ft. for patios	No balconies for 17 studio units*	Yes, with a Use Permit
Groundfloor elevation	Maximum 2' above sidewalk	2.6'-5.0'	No**
* Indicates a Conditional Use Permit is required to allow the proposed deviations. ** Required to meet FEMA flood requirements			

Table 8
District Building Lot 4 Development Standard Analysis

MXD2-TOD	Minimum Standard	Proposed	Complies?
Setbacks (Minimum) **Front (McCandless Dr)** **Street Side (Market St)** **Interior (South)** **Rear (Bond)**	 8-15 feet 10 feet 10 feet 10 feet	 17 feet 15 feet 14 feet 30 feet	 Yes Yes Yes Yes
Building Height (Maximum)	6 stories or 75 feet	6 stories	Yes
Parking (Minimum)	226 residential + 50 guest + 45 retail = 321	343	Yes
Block Size	Minimum 2 acres Maximum 4 acres	2.71 acres	Yes
Open Space	Min 40 sq. ft. for balconies and Min of 50 sq. ft. for patios	All units have min size balconies or patios	Yes
Ground Floor Retail Space Depth	75 feet typical 60 feet minimum	31 feet to 58 feet*	Yes, with a Use Permit
FAR	1.88 Maximum	1.73	Yes
Groundfloor elevation	Maximum 2' above sidewalk	1.7'-5.5'	No**
* Indicates a Conditional Use Permit is required to allow the proposed deviations. ** Required to meet FEMA flood requirements			

Table 9
District / Centre Pointe Building 3 Development Standard Analysis

MXD2-TOD	Standard	Proposed	Complies?
Setbacks (Minimum)			
Front (Great Mall Parkway)	8-15 feet	45 feet	Yes
Street Side (McCandless)	10 feet	29 feet	Yes
Street Side (Centre Pointe)	15 feet	15.5 feet	Yes
Rear (Market Street)	15 feet	15.5 feet	Yes
Building Height (Maximum)	12 stories or 150 feet	11 stories	Yes
Floor Area Ration (Maximum)	Up to 1.88	2.35	Yes
Parking (Minimum)	578 residential + 87 guest + 182 retail + 140 hotel = 988	1,080 (97 tandem spaces*)	Yes
Curb Cuts	Maximum two per lot per street frontage	Market – 2 Great Mall Pkwy – 1 McCandless – 1 Centre Pointe – 1	Yes
Block Size	Minimum 2 acres Maximum 4 acres	5.50 acres*	Yes, with a Use Permit
Block Dimension	Maximum of 500 feet between publicly accessible paths of travel	390 feet	Yes
Open Space	Min 40 sq. ft. for balconies and Min of 50 sq. ft. for patios	Unit S1 balconies are 33 sq. ft. for 55 studios* Unit B1 for 30 two three bedroom units*	Yes, with a Use Permit
Ground Floor Retail Space Depth	75 feet typical 60 feet minimum	35 feet to 105 feet*	Yes, with a Use Permit
Groundfloor elevation	Maximum 2’ above sidewalk	2’-6’	No**
* Indicates a Conditional Use Permit is required to allow the proposed deviations. ** Required to meet FEMA flood requirements			

Table 10
Centre Pointe Lot B

R3-TOD	Standard	Proposed	Complies?
Density	21 – 40 du/ac	22.25 du/ac	Yes
Setbacks (Minimum) **Bond Street (west)** **Centre Pointe Drive (east)** **Newbury Street (south)** **Market Street (north)**	 8 feet 8 feet 8 feet 10 feet	 7 feet* 8 feet* 13 feet 7 feet to 14 feet	 Yes, with a Use Permit Yes, Yes Yes
Building Height (Maximum)	75 feet	38 feet to 46 feet	Yes
Yard Projections	6 feet into required yards	3 feet	Yes
Parking (Minimum)	168 garage spaces + 21 guest spaces = 189 required	210 garage spaces (27% tandem garages) 8 guest spaces on site 13 guest spaces on street out of 70 on street spaces*	Yes, with a Use Permit
Block Size	Minimum 2 acres Maximum 4 acres	Two 2.34 acres pieces (4.685 acres)	Yes
Block Dimension	Maximum of 500 feet between publicly accessible paths of travel	323 feet	Yes
* Indicates a Conditional Use Permit is required to allow the proposed deviations.			

Table 11
Centre Pointe Lot C

R3-TOD	Standard	Proposed	Complies?
Density	41 – 75 du/ac	23.53	Yes, consistent with TASP Policy 3.8
Setbacks (Minimum) **Centre Pointe/Newbury (north)** **Bond Street (west)** **Penitencia Creek (south)** **Montague Expressway (east)**	 15 feet 8 feet Minimum of 25 feet from top of bank 45 feet	 15 feet 10 feet 45 feet from top of bank 45 feet	 Yes Yes, Yes Yes
Building Height (Maximum)	75 feet	38 feet to 46 feet	Yes
Yard Projections	6 feet into required yards	2.67 feet	Yes
Parking (Minimum)	218 garage spaces + 28 guest spaces = 246 required	272 garage (32 tandem; 24%) 26 guest on site 2 guest spaces out of 48 on street spaces*	Yes, with a Use Permit
Block Size	Minimum 2 acres Maximum 4 acres	5.95 acres = two 2.92 acre pieces	Yes
Block Dimension	Maximum of 500 feet between publicly accessible paths of travel	475 feet	Yes
* Indicates a Conditional Use Permit is required to allow the proposed deviations.			

Centre Pointe Lot C

MXD3-TOD	Standard	Proposed	Complies?
Density	41 – 75 du/ac	23.53	Yes, consistent with TASP Policy 3.8
Setbacks (Minimum)			
Centre Pointe/Newbury (north)	15 feet	15 feet	Yes
Bond Street (west)	7 feet	5 feet*	Yes, with a Use Permit
Penitencia Creek (south)	Minimum of 25 feet from top of bank	45 feet from top of bank	Yes
Montague Expressway (east)	45 feet	45 feet	Yes
Building Height (Maximum)	12 stories	38 feet to 46 feet	Yes
Yard Projections	6 feet into required yards	2.67 feet	Yes
Parking (Minimum)	Numbers included in chart above	Numbers included in chart above	Yes, with a Use Permit
Block Size	Minimum 2 acres Maximum 4 acres	5.95 acres = two 2.92 acre pieces	Yes
Block Dimension	Maximum of 500 feet between publicly accessible paths of travel	475 feet	Yes
* Indicates a Conditional Use Permit is required to allow the proposed deviations.			

Table 12
Houret

R3-TOD	Standard	Proposed	Complies?
Density	41 – 75 du/ac	20.20	Yes, consistent with TASP Policy 3.8
Setbacks (Minimum) **South** **Park (west)** **Penitencia Creek (north)** **Montague Expressway (east)**	 10 feet 10 feet Minimum of 25 feet from top of bank 45 feet	 12.8 feet 19 feet 61 feet from top of bank 45 feet	 Yes Yes Yes Yes
Building Height (Maximum)	75 feet	38 feet to 46 feet	Yes
Yard Projections	6 feet into required yards	2.5 feet	Yes
Parking (Minimum)	183 garage spaces + 23 guest spaces = 206 required	228 garage (0 tandem spaces) + 28 Guest Spaces = 256 total	Yes
Block Size	Minimum 2 acres Maximum 4 acres	2.6 acres average for Houret 1 and Houret 2	Yes
Block Dimension	Maximum of 500 feet between publicly accessible paths of travel	Houret 1 = 482 feet Houret 2 = 175 feet	Yes
* Indicates a Conditional Use Permit is required to allow the proposed deviations.			

Access & Circulation

TASP Policy 3.17 generally requires that new streets within the TASP should be located as shown in the TASP Street System Map (Figure 3-2). However, it also provides that "[n]ew local streets may shift location to take into account more detailed survey information, to better align them evenly along property boundaries, or to facilitate a better, more efficient development project." (TASP, 3-23, discussing Policy 3.17.) The project proposes multiple improvements to the street network that would serve the various subdistricts.

Great Mall Parkway, McCandless Drive, Centre Pointe Drive and Houret Drive from Montague Expressway provide access to the Project site. The applicant proposes Market Street to run between McCandless Drive on the west and Centre Pointe Drive to the east. A new left turn pocket would be installed on McCandless Drive to facilitate left turn movements onto Market Street. Market Street is proposed to be a private street and will be lined with retail uses on the north side of the street, and divided between retail and residential uses on the southern half of the

street. The combination of the retail and residential uses activates the street space and creates a lively retail environment.

The applicant proposes to extend Bond Street from the high-density residential townhomes located to the south of the project, north to the District Lot 3 / Centre Pointe Site A. Bond Street would intersect the proposed Market Street. The proposed extension would be a private street and maintained jointly by the District Lot 4 and Centre Pointe Site B.

The project proposes three modifications to the street network from what is shown on Figure 3-1 as the overall conceptual layout of streets in TASP. The first involves Newbury Street. The applicant would extend Newbury Street from McCandless Drive to Centre Pointe Drive. Newbury Street will be offset as it crosses Bond Street. The Fire Department has indicated that this offset is acceptable.) The second improvement would bring Centre Pointe Drive to TASP standards. In its existing condition, the street curves from the north and bends to the east where it ultimately intersects Montague Expressway. The developer of Centre Pointe Lots B and C would be required to construct a four-way intersection at Newbury Street and Centre Pointe Drive. The project also proposes to remove the retail street requirement from Centre Pointe Lot B along the western portion of Centre Pointe Drive. Lastly, the project would involve vacating the cul-de-sac at the end of Houret Drive. The area would be vacated by the City in favor of the Milpitas Unified School District. This proposal would create a seamless row of houses along western border of the project that would lend to a cohesive design theme and provide a better interface with the future school.

The street sections proposed for the project conform to TASP standards, and play a critical role in conveyance of floodwaters. The streets are designed to serve as the drainage channels in the event of flood events. The locations of the various streets differ from the TASP concepts because of the specifics of the proposed project. Overall, staff believes that the proposed street design is in keeping with the requirements of the TASP policies.

Landscaping & Open Space Design

The proposed project locates the open space area to the north side of Market Street, consistent with the TASP. The TASP requires that a 0.83-acre urban plaza be provided along the north side of Market Street. The project includes a 0.83-acre urban plaza and elevated retail promenade. These spaces activate the retail uses and provide the urban plaza intended by TASP. In addition, most units will provide private balconies; except for a few units located on the larger buildings (see CUP discussion below).

The District area of the project incorporates roof top decks with patios and pools. District Lot 3 / Centre Pointe Site A proposes a 49,240 square roof top deck with pool and a 19,920 square foot clubhouse that is publicly accessible private open space. The District Lots 2 and 4 include exterior courtyards and roof top recreation decks as well. The Centre Pointe and Houret areas include pedestrian pathways and open space areas incorporated into the site design. Centre Pointe Lot C and Houret include pedestrian walking trails along the north and south side of Penitencia Creek.

The proposed project site will result in the removal of several existing trees. The following tally summarizes the trees that are proposed to be removed:

Table 13
Existing and New Tree Inventory

Project Area	Trees To Be Removed	New Trees
District	167	151
Centre Pointe	260	476
Houret	30	235
TOTAL	457	862

The landscape improvements will establish the pedestrian realm along Montague Expressway, Bond Street, Newbury Street, Houret Court and Centre Pointe Drive. The landscape improvements will enhance the pedestrian realm along these streets by adding planter beds, wide sidewalks and street trees.

Site & Architectural Design

The project proposes a consistent and cohesive design theme throughout the development that is consistent with the design guidelines of the TASP. The various elements of the project represent a contemporary architectural style, which blends with the approved District 1 building, while also distinguishing itself from the surrounding townhouses. For example, the large protruding bay elements provide a modern industrial feel when combined with the contrasting color palate and stone materials. The colors and materials provide a base to each building and create a pedestrian-oriented feel at the street level. The hotel establishes a distinct corner element at McCandless Drive and Great Mall Parkway. It will serve as a key entryway into the McCandless/Centre Pointe subdistrict. Further, the project is consistent with the following design requirements of the TASP:

- Block lengths do not exceed 500 feet between publicly accessible pathways. In Centre Pointe Lot B, this has taken the form of a pedestrian access-way with walkways.
- Residential buildings reinforce streets and pedestrian connections to the transit stations by being oriented toward the streets.
- Building facades are designed to include street–facing entries, windows, special corner treatment, and other articulation.
- For the District Lots 2, 4 and District Lot 3/Centre Pointe Site A, the service alleys or auto courts are incorporated into the design of the garages.
- Buildings maintain a strong relationship to the streets with entrances oriented towards the streets. The massing of the buildings is parallel with the street system, as well.
- The colors are muted and light in tone.
- The material are high quality, durable, and consist of stucco, tile, and other long lasting composites.
- Ground floor residential units have direct access to the streets.

Urgency Ordinance (240.2) Exception Request

On August 26, 2014, the City Council adopted Urgency Ordinance No. 240.2, which implemented water use restrictions. Specifically, as it relates to this project, the Urgency

Ordinance prohibited the use of potable water for the installation of new landscape unless it is served by Reclaimed Water (Section 5.07). Section 5.08 of the Urgency Ordinance allows the City Council to grant exceptions as needed. The subject site will connect to reclaimed water in Centre Pointe Drive. These lines will serve Centre Pointe Sites B and C. Reclaimed water lines in McCandless Drive will serve the District Lots 2 and 4, and District Lot 3 / Centre Pointe Site A. The project will extend the reclaimed water lines from Great Mall Parkway south to Houret Drive to serve the Houret Drive and Court sites. Reclaimed water is not allowed in the swimming pools proposed in the District Lot 2 and 4, and District Lot 3 / Centre Pointe Site A. Staff is in support of the requested exception. These amenities are consistent with the Water Efficient Landscape Ordinance.

The Urgency Ordinance also prohibits the use of potable water for the construction of new swimming pools (Section 5.03). The project proposes new rooftop pools on District Lot 2 and 4, and District Lot 3/ Centre Pointe Site A. Section 5.08 of the Urgency Ordinance allows the City Council to grant exceptions as needed. The proposed exceptions can be considered for approval as the potable water use will be for rooftop pools which is an attractive amenity for the hotel, as well as for the residents of the high density project proposed in District Lots 2 and 4. The provision of recreational amenities at the hotel will make it an attractive destination for visitors and business travelers staying in Milpitas.

Grading, Drainage and Stormwater

The proposed project will require grading to allow for the construction of the garage, streets and building pads. Site drainage will be treated through a combination of Low Impact Development (LID) measures, which include bio-treatment planters and some mechanical filtration units. These are allowed for projects with higher densities located near mass transit.

Utilities

The site will be served by City water and sewer and San Jose reclaimed water. All other utilities will be placed either underground or relocated to accommodate new utilities or site improvements.

Solid Waste

The project proposes an alternative solid waste collection system. The District Lots 2 and 4 will collect solid waste in the garage. These bins will be transported by a cart or electric vehicle to curb side staging areas along McCandless Drive and Bond Street. Garbage trucks will then collect the waste from these bins, and they will be returned to the garage for storage. This plan has been reviewed by both the current garbage service provider and city staff.

Public Art

The project includes numerous retaining walls that serve to elevate the various development areas out of the floodplain. The applicant has proposed to meet its public art requirement by incorporating art into these walls. The City's Art Commission will review the public art at a future date.

Climate Action Plan Conformance

The project helps implement the City's Climate Action Plan (CAP) through consistency with the following Goals in the CAP:

Goal 5: *Provide an economically sustainable mixed-use community focused on high-density development around central urban plazas and gathering places.*

Consistent with Measure 5.1, the project is a high density, mixed-use development that provides a central urban plaza designed to attract residents and visitors to a commercial/retail center anchored by a new hotel. The hotel and commercial center will be located along a pedestrian-friendly Market Street with on-street parking for the neighborhood retail uses fronting Market Street. The hotel and adjacent multi-family project will provide high-rise development along the Market Street and Great Mall Parkway corridors consistent with Action 5.1.D. The project is adjacent to and will be integrated with the adjoining mixed-use project that will provide a new neighborhood serving grocery/food store as envisioned by Action 5.1.E.

Consistent with Measure 5.2, the project provides for an urban plaza in the TASP to encourage pedestrian activity and vibrant mixed-use centers that reduce vehicular activity.

Goal 6: *Achieve an efficient transportation system integrated into distinct areas that meets the needs of all users.*

In support of this Goal, the project provides high-density residential development proximate to the new BART station, as well as the VTA station, and provides for connectivity between the residential, commercial and transit areas. (Measures 6.1, 6.2. and 6.3.) As a community benefit, the project is also proposing to implement and operate a shuttle system from the hotel that will pick up individuals at various stops along the proposed residential area and route them to the Great Mall, BART Station, VTA Line and bus terminal, which will help minimize trips and promote use of nearby transit.

Goal 7: *Increase use of non-motorized transportation throughout the community*

The project provides for walkable streets, pedestrian walkways to and through the commercial areas, and bikeways and trails.

The proposed project includes numerous measures identified in the Climate Action Plan, including waste reduction, bikeways, water conservation, recycled water and green building. In addition, the project will participate in the VTA bike share program providing rent-a-bike parking and will make a $250,000 contribution to construction of a bridge over Penitencia Creek that links the residential areas to the park and schools on the south side of the Creek.

Conditional Use Permit

Though the TASP provides detailed guidelines and requirements for development within its borders, it also allows applicants to seek a Conditional Use Permit in the event deviations from certain of its provisions are sought. The application thus includes a request for a Conditional Use Permit for three items:

1. Tandem parking in District Lot 3 / Centre Pointe Site A
2. Increase in the Floor Area Ratio (FAR) for the District components
3. Exceptions to the TASP development standards

The size of the proposed tandem parking spaces is consistent with the City's Zoning Code because the spaces are proposed to be 9 feet wide by 36 feet long. The applicant demonstrated adequate vehicle circulation and turning movements in the garage to accommodate the tandem spaces. Therefore, the use of tandem parking for this project remains consistent with TASP requirements.

The TASP establishes a FAR as a way of measuring the density of mixed-use projects. There are two mixed use land use categories and zoning districts in the Project for which density is measured by FAR: Residential-Retail High Density Mixed Use (MXD2-TOD) and Boulevard Very High Density Mixed Use (MXD3 and MXD3-TOD). The maximum FAR for the District is 1.88 as both MXD3-TOD and MXD2-TOD establish a maximum FAR of 1.88 (TASP Table 5-1). If a Use Permit is approved, projects within these two zoning districts can be developed up to a maximum FAR of 2.5. When considered together pursuant to the site development permit, average FAR for the District Lot 2 (2.03), Lot 4 (1.73), and Lot 3 / Centre Pointe Site A (2.35) is 2.03, and, individually, no site exceeds the maximum FAR of 2.5. An FAR of 2.5 may be permitted on individual sites with approval of a Use Permit by the Planning Commission, subject to the following special criteria:

1) The proposed uses include a hotel or office uses that create substantial new jobs;

   The project provides a 175-room hotel at the corner of McCandless Drive and Great Mall Parkway with over 250 permanent new jobs and over 5,000 temporary jobs.

2) The design of the project is of extremely high quality and is compatible with the scale of surrounding buildings;

   The project is consistent with the TASP Design Guidelines. Therefore, the proposed hotel and District buildings are of extremely high quality as discussed in the Architectural analysis section of this staff report. Further, the buildings are compatible with the previously approved building on the District Lot 1 currently under construction.

3) There are no adverse traffic impacts beyond those studied in the Transit Area Plan EIR or the project will be required to mitigate such impacts individually; and

   As demonstrated in the Addendum prepared for the project, the project will not cause adverse traffic impacts. The traffic study supports this conclusion.

4) Buildings do not shade public parks or plazas more than 30-percent between 10 AM and 3 PM as measured on March 15.

   The shadow studies demonstrate that the plaza and retail promenade areas of the project will not be shaded by more than 30-percent on December 22, 2015, consistent with the Planning Division's application submittal requirements.

According to the TASP, exceptions to the TASP development standards are allowed through a Conditional Use Permit. In addition to the standard findings for a CUP, the following two additional findings must be met:

> *The deviation from the Transit Area Specific Plan standard meets the design intent identified within the Specific Plan and does not detract from the overall architecture landscaping and site planning integrity of the proposed development.*
>
> *The deviation from the Transit Area Specific Plan standard allows for a public benefit not otherwise obtainable through the strict application of the zoning standard.*

The proposed project includes the following deviations from the adopted plan:

Table 14
District Building Lot 2 Development Standard Deviation Analysis

Feature	Standard	Proposed	Justification
Ground floor elevations relative to the public sidewalk	Maximum of 2' above public sidewalk	Varies between 2.6'-5'	Flood zone and hydrology for this area create this constraint
Balconies	40 square foot balconies on all units	No balconies on 17 studio units	*Ample common area amenities are provided throughout project. Balconies not provided for 17 studio units, as it will negatively impact architectural aesthetics.*

Table 15
District Building Lot 4 Development Standard Deviation Analysis

Feature	Standard	Proposed	Justification
Depth of ground floor commercial space	Typical: 75’ Minimum: 60’	Provided: 31’ – 45’; 44’-58’ (when considering outdoor patio space)	It is assumed that many of the retail spaces will be used for restaurants. Wider tenant blocks are to be provided to make up for shorter depths. Generous outdoor patio spaces provided for outdoor seating which is also an offset to the lack of depth in the building space. Retailers will be encouraged to use this space to activate the retail promenade along both sides of Market Street.
Ground floor elevations relative to public sidewalk	Maximum of 2’ above public sidewalk.	1.7’-5.5’	Flood zone and hydrology for this area create this constraint.

Table 16
District / Centre Pointe Building 3 Development Standard Deviation Analysis

Feature	Standard	Proposed	Justification
Depth of ground floor commercial space	Typical: 75' Minimum: 60'	35'-90'; 50'-105' when factoring in patio dimension	It is assumed that many of the retail spaces will be used for restaurants. Wider tenant blocks are to be provided to make up for shorter depths. Generous outdoor patio spaces provided for outdoor seating which is also an offset to the lack of depth in the building space. Retailers will be encouraged to use this space to activate the retail promenade along both sides of Market Street.
Block size	Minimum: 2 acres Maximum: 4 acres	5.50 acres	Block is broken with public access through an urban retail plaza connecting Great Mall Pkwy to Market Street. Even with this separation, the smaller block (which includes the public plaza and hotel) is smaller than the 2 acre minimum.
Ground floor elevations relative to public sidewalk	Maximum of 2' above public sidewalk.	2'-6'	Variance.
Balconies	40 square foot balconies on all units	No balconies on 30 two bedroom units	Ample common area amenities provided throughout project. Balconies not provided for 30 two bedroom units, as it will negatively impact architectural aesthetics and site layout.

Table 17
Centre Pointe B Development Standard Deviation Analysis

Feature	Standard	Proposed	Justification
Guest parking	21 spaces (onsite)	8 onsite 13 on-street	Parking requirement for project is exceeded by 32 spaces (more garage spaces provided than requirement). Also, while 13 spaces need to be accounted for "on-street", there are 70 on-street spaces available on the surrounding streets.
Setback (on Bond Street)	8'	7' (total setback deficiency of 563 square feet)	Accommodating walkway/ paseo trails through the site resulted in site restrictions.

Table 18
Centre Pointe C Development Standard Deviation Analysis

Feature	Standard	Proposed	Justification
Guest parking	28 spaces	26 on-site 2 on-street	Parking requirement for project is exceeded by 54 spaces (more garage spaces provided than requirement). Also, while 2 spaces need to be accounted for on-street, there are 48 on-street spaces.

Public Benefit
As the project is requesting a Conditional Use Permit to permit exceptions to the TASP development standards, the project is required to provide a public benefit as part of the development. Staff has worked with the applicant to design several important components related to the subject site and the remaining site to the east. The applicant has agreed to the following:

Table 19
Proposed Public Benefits

Feature	Description	Estimated Value
Real property	Mapping of Dedication and Vacation of Houret Drive cul de sac for benefit of School District	$10,000 (in civil engineering fees)
Free shuttle service	Hotel shuttle, seating 20-25 passengers, providing service to project area on weekdays from 6-9 a.m., 11 a.m.-1 p.m., and 4-7 p.m., with designated stops within the project site, as well as stops at the BART station, VTA station, bus terminal, and Great Mall. An operating plan will be submitted for city staff review.	Estimated startup cost of $100,00 per shuttle Estimated Annual Cost of $150,000 per shuttle The feature would increase commerce to the Great Mall and on-site retail areas, increase use of BART and other local public transportation, decrease wear and tear on local streets, decrease parking demand, decrease pollution, and increase project marketability.
Bike share program	Participate in VTA bike share program providing rent-a-bike parking	Not yet calculated
Childcare facilities	Applicant is considering donations to Family Resource Center, a non-profit that provides educational resources to help low-income children, as well as to The Crossings at Montague Childcare Facility	Not yet calculated
Rooftop deck	1.16 acre rooftop amenity deck located at Lot 3, which will be publically accessible private open space	Not yet calculated
Pedestrian bridge contribution	Contribution to funding of the pedestrian bridge over Penitencia Creek	$250,000
Fire equipment	Funding for a Fire Department Rapid Response Vehicle	$500,000

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Staff has found that the proposed project is consistent with the General Plan, Zoning Ordinance, and all required Findings. The findings for approval are identified in detail in Attachment B (Resolution 15-036).

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that an Addendum to the Transit Area Specific Plan (SCH# 2006032091) pursuant to Section 15164 of the CEQA Guidelines was the appropriate CEQA document given the changes to the General Plan, Specific Plan and Zoning Code. The Addendum demonstrated that there are no substantial changes in the environment because the project would reduce the overall development intensity. The findings supporting approval of the Addendum are identified in detail in Attachment A (Resolution 15-035).

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of publishing this report, there have not been public comments received. Further, staff conducted a community meeting as a result of the requested General Plan Amendment, Specific Plan Amendment and Zone change on October 13, 2015. There were no community members in attendance at the meeting. A notice was published in the Milpitas Post on October 9, 2015 (two Fridays before the Planning Commission meeting). In addition, 675 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also posted on the project site, on the City's Website,www.ci.milpitas.ca.gov, and at City Hall.

CONCLUSION

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolutions 15-035 and 15-036

ATTACHMENTS

A: Resolution 15-035
B: Resolution 15-036

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M E M O R A N D U M

DATE: October 22, 2015

TO: Bill Ekern, Interim Director, City of Milpitas

FROM: Judith H. Malamut, AICP, Principal; Sally Maxwell, Associate/Project Manager; and Nicole Catalano, Planner

SUBJECT: California Environmental Quality Act (CEQA) TASP FEIR Addendum for The District at Milpitas Project, Milpitas, California

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Milpitas, is an Addendum to the Milpitas Transit Area Specific Plan Project Final Environmental Impact Report[1] (TASP FEIR), which was certified by the City of Milpitas (City) in May 2008. The TASP FEIR consists of the Draft EIR and the Final Environmental Impact Report (Response to Comments Document). This Addendum evaluates the project-specific environmental impacts related to The District at Milpitas project (proposed project or project), which is located in the southwest region of Milpitas. The City of Milpitas is the Lead Agency under CEQA.

The District at Milpitas project site is 26.7 acres in size and is located in the eastern portion of the TASP Area in Milpitas. The site is bounded by the Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the south and a rail corridor to the west. The proposed project would involve the demolition of all existing structures and associated pavements on the site, grading and construction of 1,167 residential units, 83,842 square feet of ground floor retail, one hotel with 175 rooms, and associated landscaping and parking.

This Addendum is prepared pursuant to CEQA Guidelines Section 15164 which states: "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 specifies that "no subsequent EIR shall be prepared for that project unless the lead agency determines … one or more of the following":

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

[1] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report.* May.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete was adopted, shows any of the following:

   (A) The project will have one or more significant effects not discussed in the previous EIR;

   (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA Guidelines Section 15164(e), this Addendum summarizes The District at Milpitas project, the less-than-significant impacts associated with the project, and the reasons for the City's conclusion that changes to the proposed project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a Subsequent EIR. This memorandum and attachments provide a description of The District at Milpitas Project (project) and substantial evidence to confirm that the potential project was included and the potential impacts were identified, evaluated, and mitigated as part of the TASP FEIR, per CEQA Guidelines Section 15164, and that no further CEQA review is required.

Attachment A provides a basic overview of The District project, including contact information for the applicant and lead agency.

Attachment B provides a complete project description of the project, location, existing site characteristics, proposed development, and required approvals and entitlements.

Attachment C provides the environmental checklist prepared for the project. Responses prepared for each CEQA topic demonstrate that the project was considered within the scope of the evaluation for the TASP FEIR and no new impacts are identified, no impacts are more severe, no new mitigation measures are required, and no substantial changes to the environmental circumstances have occurred leading to new or more severe previously identified impacts.

Attachment D provides the City's Development Checklist (Appendix C) that determines the measures that the proposed project would implement to demonstrate consistency with the City's Climate Action Plan.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the TASP FEIR, certified in May 2008, which is hereby incorporated by reference.

ATTACHMENT A
PROJECT INFORMATION

A. PROJECT TITLE

The District at Milpitas

B. PROJECT LOCATION

The proposed project is located on an approximately 27-acre site located in the southwestern portion of the City of Milpitas. The irregularly-shaped project area is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad alignment to the west. The project site encompasses the following addresses: 1463, 1515, 1557 and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive.

C. PROJECT SPONSOR'S NAME AND ADDRESS

Peter Zak, Lyon Communities
4901 Birch Street
Newport Beach, CA 92660
Phone: 949-633-7383

D. LEAD AGENCY CONTACT

Bill Ekern, Interim Director
City of Milpitas
Planning & Neighborhood Services Department
455 East Calaveras Boulevard
Milpitas, California 95035
Phone: 408-586-3274
Email: bekern@ci.milpitas.ca.gov

E. SUBJECT SITE ASSESSOR'S PARCEL NUMBERS

Assessor's Parcel Numbers [APN] for the project site are: 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-33-093, 086-33-101 and 086-41-009, 086-41-032, 086-41-033, 086-41-034

F. GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

General Plan Land Use:

- Boulevard Very High Density Mixed Use,
- Residential Retail High Density Mixed Use
- Multi-Family Residential Very High Density

Zoning:

- Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
- Mixed Use – Boulevard (MXD3)
- Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
- Multiple Family – High Density with TOD Overlay (R3-TOD)

G. HABITAT CONSERVATION

No habitat conservation plans or natural community conservation plans are located within the TASP Area, including the project site.

ATTACHMENT B
PROJECT DESCRIPTION

The following describes The District at Milpitas (project). This section includes a description that focuses on the minor modifications proposed for The District from what was included and approved in the certified Milpitas Transit Area Specific Plan Project Final Environmental Impact Report[1] (TASP FEIR). This section includes a summary description of the TASP, The District's location and existing site characteristics, the minor modifications, required approvals, and entitlements. The City of Milpitas (City) is the CEQA lead agency for the project.

A. MILPITAS TRANSIT AREA SPECIFIC PLAN

In 2008, the City of Milpitas adopted the Milpitas Transit Area Specific Plan[2] (TASP) as a guide for development and redevelopment of its light industrial corridor near the future Bay Area Rapid Transit (BART) and current Valley Transportation Authority (VTA) station. The goals of the TASP are to create an attractive and livable neighborhood within walking distance of the future Milpitas BART and VTA light rail transit stations and to transform the older, light industrial area into a residential and commercial area that would meet demand for housing, offices, and shopping in the Bay Area. Milpitas designated the TASP to accommodate substantial growth, minimize impacts on local roadways, and reduce urban sprawl at the periphery of the region.

The TASP FEIR, certified in 2008, evaluated environmental impacts associated with implementation of the TASP. The TASP FEIR evaluates the environmental impacts of approximately: (1) 7,100 units of residential development; (2) 18,000 new residents; (3) 4,200 new jobs; and (4) development of one million square feet of office space; 285,000 square feet of retail space; and 175,000 square feet of hotels.

The TASP identifies subdistricts within the planning area, each having their own policies related to street design, land use, building height, setbacks, parks and building design. The project site is located within two subdistricts of the TASP: McCandless/Centre Pointe and Montague Corridor. The TASP FEIR evaluated potential development within The District area of approximately 1,633 dwelling units and 93,690 square feet of ground floor retail. The proposed minor modifications to the proposed project would allow a total of 1,169 dwelling units (464 fewer units), 83,842 square feet of ground floor retail (a difference of 9,848 square feet), and one hotel with 175 rooms.

[1] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report.* May.

[2] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan.* June. Amended December 2011.

B. PROJECT SITE

1. Location

As noted above, the proposed (project or proposed project) is entirely included within the TASP planning area. The proposed project area encompasses 26.57 acres in the southwestern portion of the City of Milpitas at the following addresses: 1463, 1515, 1557, and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive. Land uses that generally border the irregularly-shaped project site include Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad corridor to the west. Figure 1 shows the site's regional and local context.

Regional vehicular access to the project site is provided by Interstate 80 (I-80) located to the west and by Interstate 680 (I-680) located to the east of the site. The future BART Milpitas station is currently under construction and will be co-located with the Montague Valley Transportation Authority (VTA) light rail station, less than 0.25 miles from the southeast boundary of the project site.

2. Site Characteristics and Current Site Conditions

The project site is generally level and includes several parcels as noted in Section 2.5 in Project Information section, above. Existing land uses on the project site include R&D light industrial and commercial office uses. The majority of the project site is covered with impervious surfaces, consisting of buildings and paved parking lots, driveways, and walkways. The site contains existing vegetation, as shown in Figure 2. Mature street trees and landscaped areas border the site on the north near the Great Mall Parkway and on the east near Montague Expressway. A vegetated channel of Penitencia Creek runs through the project site. A high-pressure gas transmission line is located south of the Penitencia Creek channel.

3. Existing General Plan and Zoning

The project site is currently designated in the General Plan as:

- Boulevard Very High Density Mixed Use
- Residential Retail High Density Mixed Use
- Multi-Family Residential Very High Density

The entire project site is within the TASP planning area boundaries, and the TASP zoning district designations for the project area are:

- Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
- Mixed Use – Boulevard (MXD3)
- Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
- Multiple Family – High Density with TOD Overlay (R3-TOD)

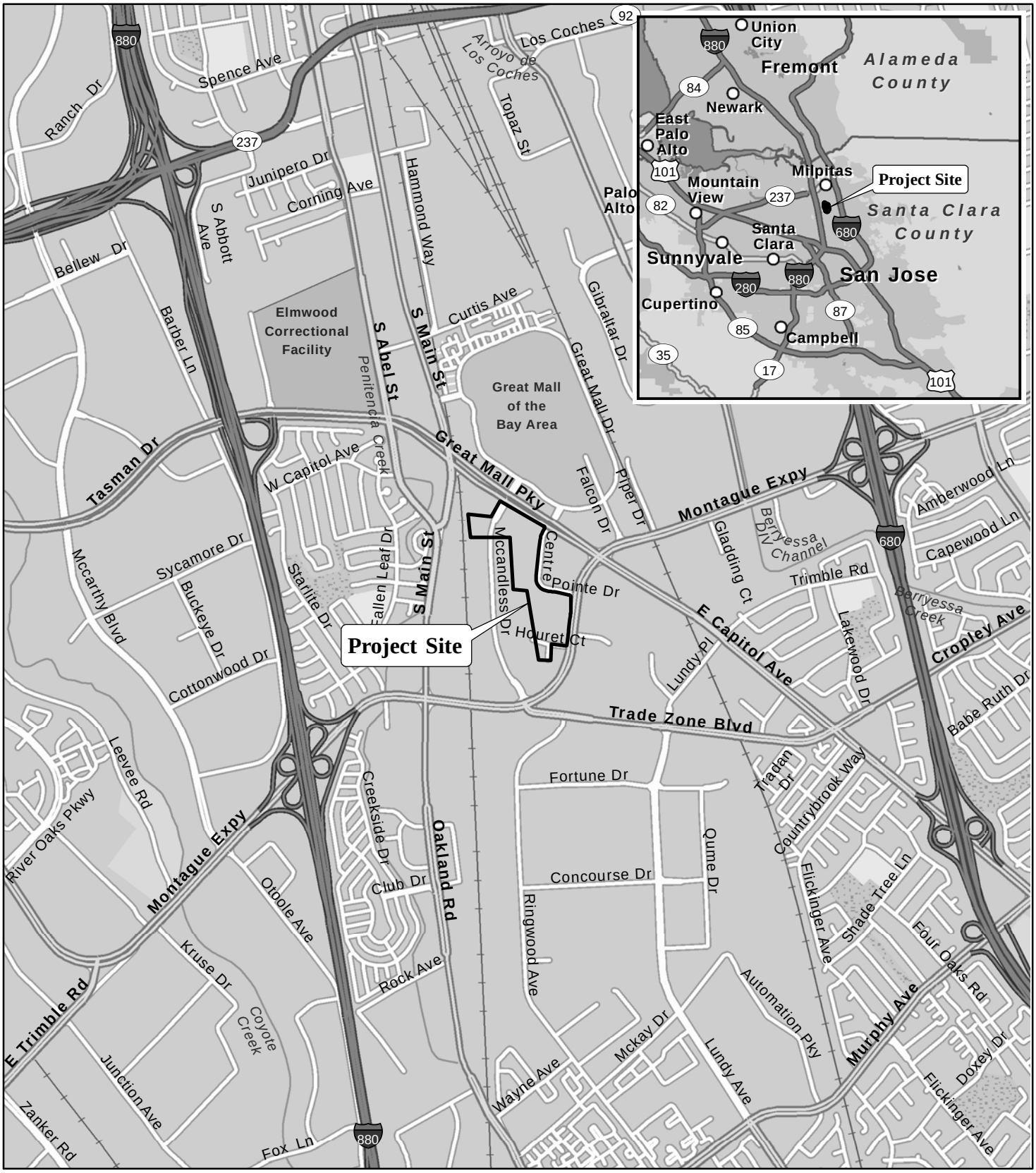

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FIGURE 1

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The District at Milpitas Project

Project Location and Regional Vicinity Map

SOURCE: ESRI STREETMAP NORTH AMERICA, 2012.

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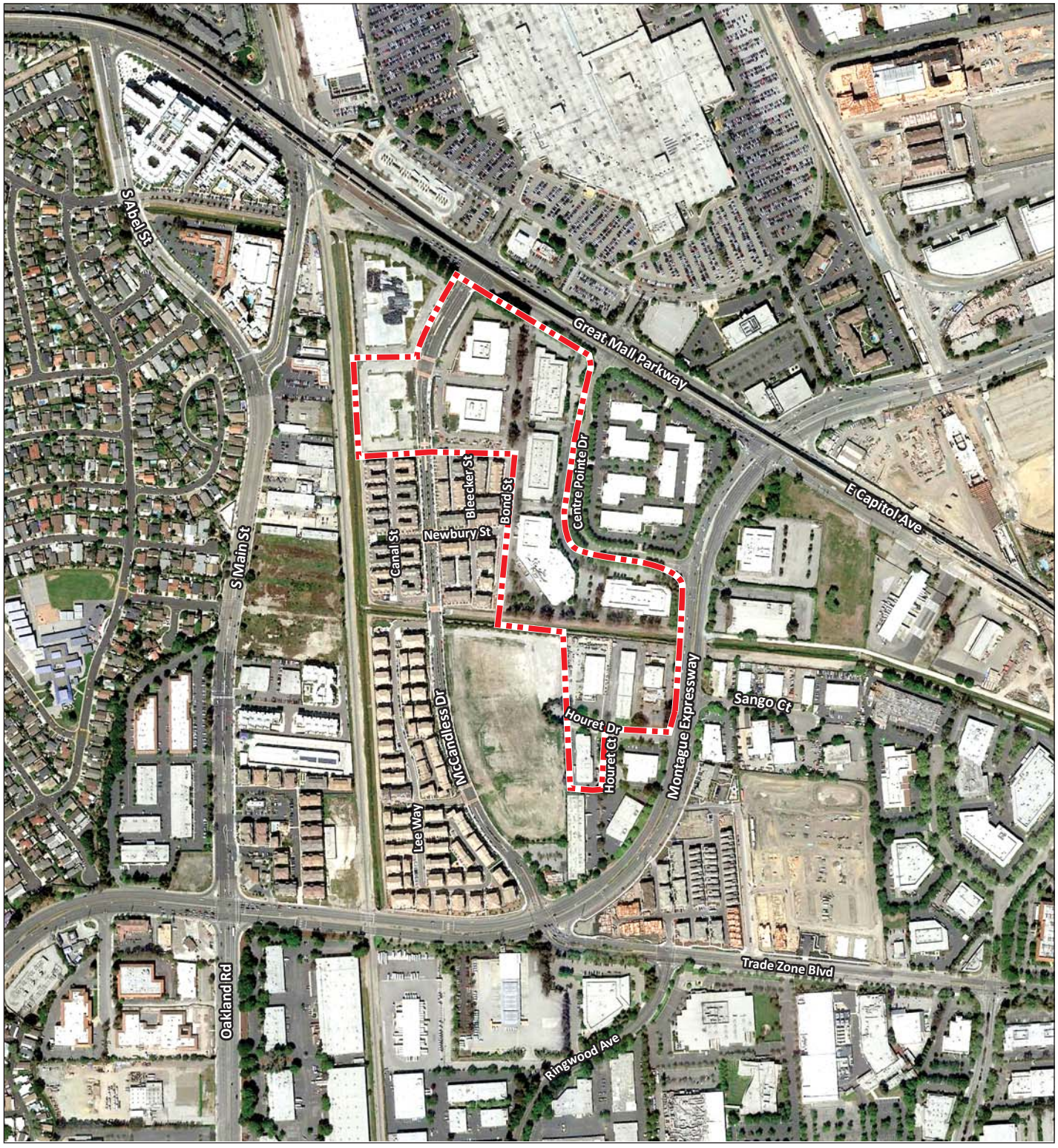

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FIGURE 2

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Project Site

0 325 650
FEET

SOURCES: GOOGLE EARTH, MARCH 2015; LSA ASSOCIATES, INC., 2015.

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The District at Milpitas Project

Aerial Photograph of Project Location

4. Surrounding Land Uses

The project site is located within the light industrial land-use corridor of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial uses. New residential units as part of the TASP have been constructed adjacent to the project site. The project site is in proximity to the Great Mall shopping center in Milpitas, located approximately 0.25 miles north of the project site.

C. PROPOSED PROJECT

The applicant (Lyon Communities) is proposing to develop The District as a master planned project with a mix of retail, hotel, multi-family, and high-density for sale units organized in seven planning areas as shown in Figure 3: District Lot 2, District Lot 4, District Lot 3/Centre Point Site A, Centre Pointe Site B, Centre Pointe Site C, Houret 1, and Houret 2. An overall site plan for The District is shown in Figure 4. As noted previously, the applicant is proposing some minor modifications to the general plan designations and land uses proposed for The District from what was included and approved in the certified TASP FEIR. These minor modifications are discussed below.

1. Project Characteristics

The TASP FEIR evaluated the environmental impacts associated with implementation of the entire TASP of which The District is a part. Table 1 shows the housing units and population assumptions evaluated within the TASP FEIR, the number of approved units, and under construction units. As shown, the development associated with the proposed minor modifications to the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR, and the proposed modifications to the proposed project are no greater overall than the amount of development evaluated and approved within the TASP FEIR. The TASP FEIR evaluated potential development within The District of approximately 1,633 dwelling units and 93,690 square feet of ground floor retail. The project proposes a total of 1,169 dwelling units, 83,842 square feet of retail, and one hotel with 175 rooms.

Table 1: Existing and Proposed Housing Units and Population within the TASP Area

	Evaluated Within The TASP FEIR	Approved and Not Yet Under Construction	Approved and Under Construction	2015 The District Project	Remaining Development Available
Housing Units	7,109 [a]	2,122	1,548	1,169	2,270
Population	17,915 [a]	5,348 [b]	3,901 [b]	2,941 [b]	5,725

[a] Milpitas, City of. 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report* .May.
[b] Estimated population associated with approved units, under construction units, and the TASP was determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents/7,109 units = 2.52 residents per unit).
Source: LSA Associates, Inc., 2015.

Table 2 shows the proposed development within each of The District planning areas. Growth associated with The District would consist of approximately 66,421 square feet of general retail, two "neighborhood serving" retail areas of approximately 17,421 square feet, a 175-room hotel, and approximately 1,169 high-density multi-family units, a portion of which are for sale. Additional

information on The District can be found in the project files at the Milpitas Planning and Neighborhood Services Department, 455 East Calaveras Boulevard, Milpitas, CA 95035.

The applicant for The District proposes changes to the General Plan and TASP land-use and zoning designations for Centre Pointe Site B. These changes would include a General Plan Amendment, a TASP Amendment, and a Rezone for portions of Centre Pointe Site B, specifically for parcels APN 86-33-087 and APN 86-33-086. These Amendments would change the existing Residential Retail High Density Mixed Use (RRMU) land-use designations on Centre Pointe Site B to High Density Transit Oriented Residential (HDTOR). These changes would be made to both the General Plan Land Use Map and the TASP Land Use Map. In addition, the project would include an amendment to the TASP Zoning District Map Figure 5-21 to change the TASP zoning designation for portions of Centre Pointe Site B from Mixed Use High Density with Retail Transit Oriented Development (MXD2-TOD) to Multiple Family High Density Transit Oriented Development (R3-TOD). Figure 5 and Figure 6 illustrate the existing and proposed changes to Centre Pointe Site B associated with the project.

Table 2: Proposed Modifications to The District at Milpitas Project Summary

Planning Area	Acreage	Building Density, Height, Retail
District Lot 2	2.585 acres	• 218 du (84.3 du/ac) • 3,480 sq. ft. ground floor retail • 5 stories
District Lot 4	3.125 acres	• 173 du (55.4 du/ac) • 13,941 sq. ft. ground floor retail • 5 stories
District Lot 3/Centre Pointe Site A	4.470 acres	• 175 room hotel w/ground floor retail (7,286 sq. ft.) • 9-story hotel • 59,135 sq. ft. retail • 423 du (94.6 du/ac) • 4-9 floors rental above ground floor retail • 10 floor rental
Centre Pointe Site B	4.685 acres	• 105 du (22.4 du/ac) • 3- and 4-story for sale units • Loft Split, 4 stories • Split Loft
Centre Pointe Site C	5.95 acres	• 136 du (22.85 du/ac) • 3- and 4-story for sale units • Loft Split, 4 stories • Split Loft
Houret 1	4.27 acres	• 83 du (19.43 du/ac) • 3- and 4-story for sale units
Houret 2	1.03 acres	• 31 du (27.18 du/ac) • 3 stories
Total	26.115 acres	• Multi-Family: 814 units (mapped as condos, but operated for rent) • For Sale: 352 du • **Total du: 1,169** • **Retail: 83,842 sq. ft.** • **Hotel rooms: 175 rooms**

Notes:
ac = acre
du = dwelling units
sq. ft. = square feet

Source: Lyon Communities, 2015.

LSA

FIGURE 3

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NOT TO SCALE

The District at Milpitas Project

Site Map

SOURCE: URBAN ARENA, JUNE 2015.

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LSA

FIGURE 4

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0 90 180

FEET

SOURCE: URBAN ARENA, OCTOBER 8, 2015.

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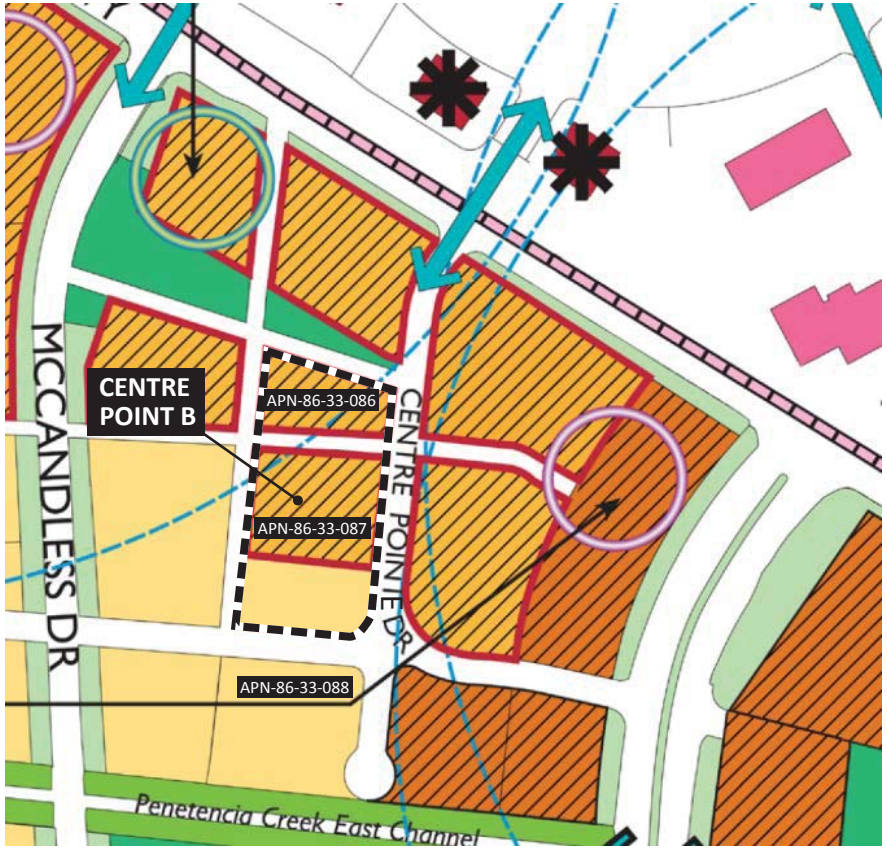
The District at Milpitas Project

Overall Site Plan

Existing General Plan and Specific Plan



Proposed General Plan and Specific Plan

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- Residential-Retail High Density Mixed-Use
- Very High Density Transit-Oriented Residential
- High Density Transit-Oriented Residential
- Retail Transit-Oriented
- Density Bonus
- Parks/Plazas/Community Facilities
- Linear Parks & Trails
- Landscaped Front Yards & Buffers
- Centre Point B
- VTA Light Rail Transit
- Pedestrian Connection
- Potential Hotel Sites
- Potential Grocery Store Site

SOURCE: URBAN ARENA, JUNE 2015.

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FIGURE 5

The District at Milpitas Project

Existing and Proposed General Plan Land Use and TASP Designations for Centre Pointe Site B

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Multi-Family Residential, High Density (R3)
Mixed-Use, High Density (MXD2)
Mixed-Use, Very High Density (MXD3)
General Commercial (C2)
Park and Open Space (POS)
Centre Point B

FIGURE 6

Not To Scale

SOURCE: URBAN ARENA, JUNE 2015.

The District at Milpitas Project
Existing and Proposed Zoning for
Centre Point Site B

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Table 3 describes the existing and proposed General Plan Land Use, TASP Land Use, and TASP Zoning Districts designations for The District planning areas.

Table 4 describes, by planning area, the existing and proposed TASP land-use and zoning designations, and the proposed changes to The District.

TASP Policy 3.8 allows deviations in density and intensity for certain portions of the overall project, provided that the overall project density is within the density range. With the proposed changes, The District as a whole would result in a reduction of densities, heights, retail square feet, and the number of dwelling units compared to the development projections for The District evaluated in the TASP FEIR. The TASP FEIR evaluated potential development within The District of approximately 1,633 dwelling units and 93,690 square feet of retail. The project proposes a total of 1,169 dwelling units, 83,842 square feet of retail, and one hotel with 175 rooms. The project would include building heights that are mostly in the range of 3 to 10 stories as opposed to the 12-story maximum analyzed in the TASP. The proposed changes to The District are consistent with TASP Policy 3.8.

Overall, The District would include 464 fewer dwelling units, 9,848 fewer square feet of retail, and a new hotel with 175 rooms. District Lot 4, CentrePointe Site C, Houret 1, and Houret 2 would have fewer dwelling units than analyzed for the TASP while District Lot 2, District Lot 4, and Centre Pointe Site B would have less retail than analyzed for the TASP.

While there would be a decrease in building density and intensity for The District overall, there would be increased density and intensity for two project areas: Lot 2 and Lot 3/Centre Pointe Site A. The TASP FEIR assumed a maximum number of 155 dwelling units for District Lot 2 whereas the project proposes 218 dwelling units. The TASP assumed a maximum total of 263 dwelling units for District Lot 3/Centre Pointe Site A and 22,714 square feet of retail, whereas the project proposes 423 dwelling units, 59,135 square feet of retail, and a 9-story, 175-room hotel. The TASP FEIR evaluated a hotel in the TASP study area adjacent to the project site on Lot 1, and the project proposed and approved for Lot 1 no longer includes a hotel.

Table 3: The District – Existing and 2015 Proposed Land Use Designations and Zoning Districts

Planning Area	Existing General Plan Land Use Designation [a]	2015 Proposed General Plan Land Use Designation	Existing TASP Land Use Designation [b]	2015 Proposed TASP Land Use Designation	Existing TASP Zoning District Designation [c]	2015 Proposed TASP Zoning District Designation
District Lot 2	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD	No Change
District Lot 4	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
District Lot 3/ Centre Pointe Site A	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
Centre Pointe Site B APN 86-33-086 (0.625 acres) and all of 86-33-087	Residential Retail High Density Mixed Use (RRMU)	High Density Transit Oriented Residential (HDTOR)	Residential -Retail High Density Mixed Use for	High Density Transit Oriented Residential (HDTOR)	Mixed Use High Density with Retail (MXD2 –TOD)	Multiple Family-High Density (R3 -TOD)
Centre Pointe Site B APN 86-33-088	High Density Transit Oriented Residential (HDTOR)	No change	High Density Transit Oriented Residential (HDTOR)	No change	Multi-family Residential, High Density (R3-TOD)	No change
Centre Pointe Site C	Boulevard Very High Density Mixed Use (BVMU); Multi-family Residential High Density (MFHD)	No change	Boulevard Very High Density Mixed Use (BVMU); High Density Transit Oriented Residential (HDTOR)	No Change	Mixed Use Boulevard (MXD3-TOD); Multiple Family-High Density (R3 -TOD)	No Change
Houret Lot 1	Boulevard very High Density Mixed Use (BVMU)	No change	Boulevard Very High Density Mixed Use (BVMU)	No Change	Mixed Use Boulevard (MXD3) No TOD	No Change
Houret Lot 2	Boulevard very High Density Mixed Use (BVMU)	No change	Boulevard Very High Density Mixed Use (BVMU)	No Change	Mixed Use Boulevard NO TOD	No Change

[a] Milpitas, City of, 2012. *Milpitas General Plan*. General Plan Land Use Map. Figure 2-1. October.
[b] Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*, Figure 3-1, June, (amended December 2011).
[c] Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*, Figure 5-21, June, (amended December 2011).

Source: LSA Associates, Inc., 2015.

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
LOT 2: 2.585 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No Change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	218 du (84.3 du/ac)	Increased Density • Density > 60 du/ac • 155 units permitted at max • 63 units more than what was evaluated at maximum
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	5 stories	Decreased Heights • Heights <6-12
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	3,480 sq. ft. ground floor retail	Decreased Retail • 16,000 sq. ft. evaluated in TASP • 12,520 sq. ft. less than what was evaluated
LOT 4: 3.125 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	173 du (55.4 du/ac)	Decreased Density • Density <60 du/ac • 187 units permitted at max • 14 units fewer than evaluated in TASP
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	5 stories	Decreased Heights • Heights < 6-12 stories
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	13,941 sq. ft. ground floor retail	Decreased Retail • 19,375 sq. ft. evaluated in TASP • 5,434 sq. ft. less than evaluated in TASP

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
LOT 3 / CENTRE POINTE SITE A: 4.47 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	175 rooms (hotel) 423 du (94.6 du/acre)	Increased density • Density > 60 du/ac • 263 units permitted at max • 160 units more than evaluated in TASP
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	4 to 10 stories	Decreased heights • Heights < 12 stories
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	59,135 sq. ft. building 3A 4,643 sq. ft. hotel 2,643 sq. ft. leasing 66,421 total	Increased retail • 27,714 sq. ft. of retail evaluated in TASP • 29, 268 sq. ft. more than evaluated in TASP
CENTRE POINTE SITE B: 4.685 ACRES						
Designation APN 86-33-086 and APN 86-33-087	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	High Density Transit Oriented Residential (HDTOR)	Multiple Family-High Density Transit Oriented Development Overlay (R3-TOD)	Land Use and Zoning change	TASP Land Use change for APN 86-33-086 (0.625 acres) and all of APN 86-33-087 TASP Zoning change for APN 86-33-086 (0.625 acres) and all of APN 86-33-087
Designation APN 86-33-088	High Density Transit Oriented Residential (HDTOR)	Multi-family Residential, High Density (R3-TOD)	No change	No change	No change	No change

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Density APN 86-33-086 and APN 86-33-087	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	21 du/ac minimum average gross density 40 du/ac maximum average gross density Gross densities of individual projects maybe <21 or >40, provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density	21-40 du/ac No density bonus	105 du (22.4 du/ac)	Decreased density • Density < 31 du/ac • 281 units permitted at max • 175 units fewer than evaluated in TASP
Density APN 86-33-088	21 du/ac minimum average gross density 40 du/ac maximum average gross density Gross densities of individual projects maybe <21 or >40, provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density	21-40 du/ac No density bonus	No change	No change	No change	No change
Height APN 86-33-086 and APN 86-33-087	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	3 to 5 stories	6 stories	3 to 4 stories	Decreased Heights • Heights < 6-12 stories

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Height APN 86-33-088	3 to 5 stories	6 stories	No change	No change	No change	No change
Retail APN 86-33-086 and APN 86-33-087	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No retail permitted	No retail permitted	No retail	Decreased Retail • 29,047 sq. ft. evaluated in TASP • 29,047 less sq. ft. of retail than evaluated in TASP
Retail APN 86-33-088	No retail permitted	No retail permitted	No change	No change	No change	No change
CENTRE POINTE SITE C: 5.95 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU) High Density Transit Oriented Residential (HDTOD)	Mixed Use Boulevard (MXD3-TOD) And Multiple Family (R3 –TOD)	No change	No change	No change	No change
Density	(BVMD): 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP (HDTOD): 21 du/ac minimum; 40 du/ac maximum Increased densities can be greater than 40 du/ac provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density permitted	(MXD3-TOD): 41-75 du/ac Bonus: Up to 25% additional density increase with Use Permit And (R3-TOD): 21-40 du/ac No bonus	No change	No change	136 du (22.94 du/ac)	Decreased Density • Density < 41 du/ac for BVMU • 446 units evaluated in TASP for BVMU • 310 units fewer than evaluated for BVMU • Density < 40 du/ac for HDTOD • 238 units evaluated in TASP For HDTOD • 102 units fewer than evaluated in TASP for HDTOD
Height	(BVMD): 4 to 12 stories (HDTD): 3 to 5 stories	MXD3-TOD): 12 stories (Up to 20 stories with CUP) And (R3-TOD): 6 stories	No change	No change	3 to 4 stories	Decreased Height • Heights < 6-12 stories

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Retail	BVMD: Ground floor retail and restaurants and neighborhood serving services permitted HDTOD: no retail	No retail required	No change	No change	No retail	No change
HOURET 1: 4.27 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU)	Mixed Use Boulevard (MXD3)	No change	No change	No change	No change
Density	BVMU: 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP	41-75 du/ac Bonus: Up to 25% additional density increase with Use Permit	No change	No change	83 du (19.44 du/ac)	Decreased Density • Density < 41 du/ac • 384 units evaluated in TASP • 297 units fewer than evaluated in TASP
Height	4 to 12 stories	12 stories (Up to 20 stories with CUP)	No change	No change	3 to 4 stories	Decreased Heights • Heights < 12 stories
Retail	Ground floor retail and restaurants and neighborhood serving services permitted	No retail	No change	No change	No retail	No change
HOURET 2: 1.03 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU)	Mixed Use Boulevard (MXD3), no TOD	No change	No change	No change	No change
Density	BVMU: 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP	Mixed Use Boulevard (MXD3), no TOD	No change	No change	31 du (30.09 du/ac)	Decreased Density • Density < 60 du/ac • 93 units evaluated in TASP • 72 units fewer than evaluated in TASP
Height	4 to 12 stories	12 stories (Up to 20 stories with CUP)	No change	No change	3 stories	Decreased Heights • Heights < 4-12 stories
Retail	Ground floor retail and restaurants and neighborhood serving services permitted	No retail	No change	No change	No retail	No change

Notes:
ac = acre; du = dwelling units; sq. ft. = square feet

Source: Dhyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan.* June (amended in 2011); Lyon Communities, 2015.

2. Access, Circulation and Parking

The proposed project would include street landscaping, circulation improvements, land to accommodate the alignment of two pedestrian bridges over Penitencia Creek, and a landing area for a pedestrian bridge over Montague Expressway. Because the project site is located within the 100-year flood zone, the project would be graded to ensure that all residential and commercial development pads be raised above the flood zone. Market Street and Newbury Street would be designed and constructed to provide flood paths in the event of a 100-year storm.

Two new access driveways would be constructed in District Lot 3. One driveway is proposed as a right-turn only driveway off of Great Mall Parkway and the second driveway is a right in/out off of Centre Pointe Drive. A right-turn lane would be provided for the Great Mall Parkway access drive. This would require removal of mature trees along Great Mall Parkway. The access to District Lot 2 would be moved off of McCandless Drive, south of Market Street. This would separate Lot 2 access from sharing access with District Lot 1 (not part of the proposed project) at McCandless and Market. Market Street would also be modified to provide two-way traffic to facilitate better circulation and access through the project area. Specifically, the modification on Market Street would provide one access driveway for District Lot 3 at the intersection of Bond and Market Streets.

A new street would be constructed between Newbury and Penetencia Creek (Drive G). The proposed project would provide landscaping on the southern side of Newbury, and would stripe a new four-way stop, intersection at the intersection of Newbury, Centre Pointe Drive, and Drive G. The proposed project would also provide landscaping and on-street parking along Market Street that is proposed as a two-way street. The proposed project would also provide improvements to Centre Pointe Drive to remove the existing horizontal curb. The project would provide improvements and landscaping to the portions of McCandless Drive and Bond Street that border the project area. These changes would result in the removal of mature trees along Centre Pointe Drive and Bond Street.

Parking for District Lot 2, District Lot 4 and District Lot 3/ Centre Pointe A would be provided through a parking structure located in the interior of each planning area, with additional street parking provided on Market Street. Parking for the for-sale units in Centre Pointe Site B, Centre Pointe Site C, and Houret 1 and 2 would be provided in street-level garages associated with each unit

3. Utilities and Infrastructure

The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

a. Water. Water service in the City of Milpitas is provided by the Santa Clara County Water District (SCVWD). Existing water lines within the vicinity of the site include 12-inch water lines beneath Bond Street, Centre Pointe Drive, Great Mall Parkway, Houret Drive, and an 8-inch water line in Newbury Street. The project proposes a new 12-inch water line in Market Street. The proposed project would connect directly to those existing lines.

b. Wastewater. The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site. The proposed project would connect directly to these lines, which are 8-inch lines located beneath Montague Expressway, Houret Drive, Centre Pointe Drive, and McCandless

Drive. The project proposes a new 8-inch sanity sewer line in Market Street. An existing 8-inch sanitary sewer manhole is also located on Montague Expressway. The proposed project would connect to those lines.

c. Stormwater. The Santa Clara Valley Water District owns and maintains most of the storm-water infrastructure within the City of Milpitas, including the project site. Existing storm drainage infrastructure surrounding the site includes the following: 39-inch storm drainage line underneath Newbury Street, a 15-inch and 42-inch storm drainage line underneath Bond Street, a 27-inch and 33-inch storm drainage line beneath Centre Pointe Drive, a 15-inch storm drainage line underneath Houret Drive, an 18-inch storm drain in McCandless, an 18-inch storm drainage line beneath Montague Expressway, and a proposed 15-inch storm drain in Market Street. The proposed project would connect to those lines.

In addition, bioretention areas would be incorporated into the landscape design to provide appropriate vegetation and water quality treatment, including in open spaces, street frontages, and paseos. On site drainage has been designed consistent with the C3 requirements for Low Impact Development and Special Project Categories. All walkways within the open space area of the development would be sloped to drain onto the surrounding landscaping.

This project would extend the existing recycled water main in Centre Pointe Drive to the project site to provide recycled water for irrigation.

d. Electricity and Natural Gas. Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The proposed project would connect to these existing lines and any new electrical lines would be installed underground. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen's 2013 standard building measures for residential buildings and Title 24 requirements.

e. Construction. Development of the proposed project would require demolition of existing structures and site grading of each planning area. Construction is anticipated to occur over approximately 36 months, starting in March 2016 and ending in March 2019.

D. APPROVALS/PERMITS

The following approvals and permits would be required for the project:

- General Plan Amendment
- TASP Amendment
- Application for Zone Change
- Site Development Permits
- Conditional Use Permits
- Vesting Tentative "B" Level Map Permits
- Demolition Permits
- Building Permits

- Off-Site (Encroachment) Permits
- Tree Removal Permits

The City has already approved Vesting Tentative Maps for the following two project areas: District Lots 2 and Lot 4.

ATTACHMENT C
ENVIRONMENTAL CHECKLIST
PURSUANT TO CEQA GUIDELINES SECTION 15168

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the modified The District project is within the scope of the Transit Area Specific Plan Final EIR (TASP FEIR) and will have no new or more severe significant effects and no new mitigation measures are required.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the TASP FEIR, certified in May 2008, which is hereby incorporated by reference.

This checklist describes and evaluates potential changes to environmental impacts from the proposed revised project as they relate to impacts identified in the TASP FEIR. The focus of this analysis is on impacts specific to the revised project and that differ from those identified in the TASP FEIR.

This environmental checklist is used to: (1) compare the environmental impacts of the proposed revised project with impacts expected to result from development approved in the TASP and evaluated in the TASP FEIR; (2) to identify whether the proposed project would result in new or more severe significant environmental impacts; and (3) to identity if substantial changes with respect to the circumstances under which the project would be undertaken since the TASP FEIR was certified would result in new or more severe significant environmental effects.

Mitigation Measures are measures that would minimize, avoid, or eliminate a significant impact. The analysis contained herein evaluated each topic to identify whether additional mitigation measures beyond those identified in the TASP FEIR would be warranted. As discussed for each topic in the Checklist, no new mitigation measures would be required for the modified project.

A Traffic Operations Analysis[1,2] was prepared to assess the potential traffic effects of the modified project and surrounding area. The air quality, greenhouse gas emissions, and noise analyses for the modified project were based on this project-specific traffic analysis. The results of the studies reflect that there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects associated with the modified project, and no new mitigation measures or alternatives are required as a result of this analysis.

[1] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised) Memorandum*. September 10.

[2] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units Memorandum*. October 13.

As a result of a site reconnaissance by LSA personnel on September 23, 2015, minor changes on the site related to the removal of trees was identified, as discussed in Checklist Section IV. Biological Resources and evaluated in the TASP Draft EIR in Section 3.8, Biological Resources. However, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects associated with the modified project, and no new mitigation measures or alternatives are required as a result of this analysis.

For all other environmental topics addressed in the Checklist as identified in each topical section, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were evaluated and identified in the TASP FEIR.

ENVIRONMENTAL CHECKLIST

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
I.	**AESTHETICS.** Would the project:				
	a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
	b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☒	☐
	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
	d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

DISCUSSION

Scenic Vistas

The project site is not located within a scenic viewshed or along a State Scenic Highway or other scenic highway. Flat topography and existing urban development constrain scenic vistas in the vicinity of the project site. Views of the Milpitas foothills to the northeast are available from the project site only when viewed from the public rights-of-way along McCandless Drive and Centre Pointe Drive. No on-site parks, open space lands or public lands adjacent to or in the vicinity of the proposed project have views of the foothills. Furthermore, as described in the TASP FEIR, the City's visual resources are outside of the TASP Area. Therefore, the impacts associated with the proposed project would not result in new impacts to scenic vistas or substantially increase the severity of the less-than-significant impacts to scenic vistas identified in the TASP FEIR.

Scenic Resources

Few scenic resources remain within the TASP Area as the street trees on McCandless Drive, which were considered visual resources[3] in the TASP FEIR, have been removed and replaced with new trees. The mature trees on Centre Pointe Drive and on the south side of Great Mall Parkway remain.

Portions of the proposed project are located along McCandless Drive, Great Mall Parkway, and Centre Pointe Drive. The proposed project would create new curb cuts along all three streets. As the TASP FEIR describes, the TASP includes policies to retain trees along McCandless Drive, Great Mall Parkway, and Centre Pointe Drive. As an earlier project has already replaced the trees along

[3] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan EIR, Section 3.2 Visual Resources*. October.

McCandless Drive, the policy as it relates to McCandless Drive no longer relates to this project. If the project were to remove mature trees along Great Mall Parkway and Centre Pointe Drive and to replace them with new trees, the loss of these trees would remain a less-than-significant impact as the project would still comply with the City's Tree Maintenance and Protection Ordinance. Therefore, the proposed project would not create impacts related to scenic resources that are new or more significant than those analyzed in the TASP FEIR.

Visual Character

The TASP aims at improving the existing aesthetic value of the Transit Area and calls for new parks, trails, landscape buffers, and other design policies that would result in the enhancement of the visual character of the TASP Area. The TASP includes specific design standards to create a unified appearance to the Transit Area, consistent setbacks, landscaped buffers, street trees, and parks, which the TASP FEIR analyzed. The proposed project would conform to these design standards by providing street landscaping, landscaped paseos along pedestrian walkways, and landscaped setback areas.

When the TASP FEIR evaluated the TASP, the existing area surrounding the project site included a collection of industrial parks with several one-story buildings used for R&D light industrial purposes and associated parking. Since adoption of the TASP FEIR, developers have built and continue to build high-density residential uses in the TASP Area. New residential development within the project vicinity consists of buildings that are approximately three to five stories in height.

The building heights of the proposed project would change the visual character of the existing site. The existing uses on the proposed project site are low-lying industrial buildings. The TASP allows buildings along Great Mall Boulevard and Montague Parkway up to 12 stories in height and up to 24 stories with design review. The proposed project would construct buildings that are lower than 12 stories and thus would meet the building height limits set forth in the TASP design standards. The tallest structures in Lot 3/Centre Pointe Site A would be the proposed hotel with nine stories and the multi-family residential structure with 10 stories. The remaining structures proposed for the project range from three to four stories in height, which would be lower than building heights contemplated under the TASP. The project would not degrade the visual character of the project site or result in impacts to visual character that would be more severe than those impacts analyzed in the TASP FEIR.

Light and Glare

Redevelopment of the TASP Area would result in the introduction of new sources of light and glare on the project site. As discussed in the TASP FEIR, development standards and policies would limit new sources of light and glare in the TASP Area. To minimize potential light and glare impacts, the proposed project would implement and be consistent with TASP development standards that address street and outdoor lighting. Therefore, the proposed project would not create impacts related to light and glare that would be new or more significant than those analyzed in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was

certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES TO REDUCE THE IMPACT

TASP Policies

- *Policy 4.66: Do not create new curb cuts along McCandless Drive or Centre Pointe Drive, in order to preserve the existing trees and to create a pedestrian environment along the street.*
- *Policy 6.41: Construct a continuous trail network as delineated in the Transit Area Plan through land dedication and improvements by property owners in coordination with the Santa Clara Valley Water District and the City of Milpitas.*
- Development Standard: Utilities shall be underground or in subsurface conduits and accessible.

CONCLUSION

The TASP FEIR adequately evaluated the potential aesthetic impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
II. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

DISCUSSION

The TASP FEIR did not analyze agriculture as the TASP Area is urban without any agricultural or forest land uses in the area or vicinity. The project site, located within the TASP Area, is also not used for agriculture. The Santa Clara County Important Farmland 2012 map designates lands within the TASP Area, including the project site, as "Urban and Built-Up Land." Thus, the TASP and the proposed project would have no impacts on agriculture.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

There would be no agriculture or forestry impacts associated with The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
III.	**AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
	b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
	c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
	d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
	e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

DISCUSSION

Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if a project would conflict with or obstruct implementation of an applicable air quality plan, which for the TASP FEIR was the 2005 Bay Area Ozone Strategy.[4] In forecasting future stationary and mobile source emissions and preparing the regional air quality plan, the BAAQMD uses growth projections prepared by ABAG. The BAAQMD based its 2005 Bay Area Ozone Strategy on population projections in the 2003 ABAG Projections.[5] The TASP FEIR found that population increases in the City are anticipated to exceed population increases accounted for by the 2003 ABAG Projections,

[4] Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

[5] Association of Bay Area Governments, 2003. *Projections 2003*.

thus resulting in a significant and unavoidable impact (Impact 3.6-1) related to consistency with the applicable federal Environmental Protection Agency (EPA) Clean Air Plan (CAP).

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. Implementation of the TASP includes policies that address transportation and land use that are consistent with the CAP. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout the TASP Area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit, which support the CAP. The proposed land use and zoning of The District project would result in fewer residential units than evaluated in the TASP. Therefore, the population growth associated with the proposed project is consistent with the TASP and would not result in any new impacts related to consistency with the CAP.

The TASP FEIR identified measures to reduce air emissions such as encouraging the use of pedestrian walkways and bikes, and designing streets for slower speeds, but concluded that air quality impacts would be significant and unavoidable. The project would implement the TASP measures and would not increase the previously-identified impacts. Thus conclusions about compliance with the CAP in the TASP FEIR remain applicable to the project.

Air Quality Standards

Ambient air quality has basically remained unchanged since the approval of the TASP FEIR. The BAAQMD has made two regulatory changes since certification of the TASP FEIR. The BAAQMD adopted CEQA Guidelines in May 2011 that provide new and updated CEQA thresholds for analyzing air quality impacts. In general, the new BAAQMD California Environmental Quality Act Air Quality Guidelines (BAAQMD CEQA Guidelines) have lowered the emissions thresholds for identifying project impacts. For example, the updated BAAQMD CEQA Guidelines revised the threshold for project operations for reactive organic gases (ROG) and nitrogen oxides (NO_x) from 80 pounds per day to 54 pounds per day. The updated thresholds also include new thresholds for fine particulate matter ($PM_{2.5}$) at 54 pounds per day. The BAAQMD also amended its guidelines to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts.

On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD CEQA Guidelines. The court did not determine whether the thresholds of significance were valid on their merits, but found that adoption of thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease their dissemination until the BAAQMD complied with CEQA. The BAAQMD appealed the Alameda County Superior Court's decision. The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending as of December 2013.[6]

[6] Bay Area Air Quality Management District, 2015. *Updated CEQA Guidelines*. Website: www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx (accessed May 20, 2015).

The BAAQMD has not reinstated the 2011 CEQA Guidelines; however, the City of Milpitas notes that the Alameda County Superior Court, in ordering BAAQMD to set aside the thresholds, did not address the merits of the science or evidence supporting the thresholds. The City of Milpitas finds that, despite the court ruling, the science and reasoning contained in the 2011 BAAQMD CEQA Guidelines provide the latest state-of-the art guidance available. For that reason, substantial evidence supports continued use of the 2011 BAAQMD CEQA Guidelines.

Regional Air Pollutant Emissions

The TASP FEIR identified that development of projects under the TASP could further contribute to non-attainment of air quality standards. The TASP FEIR also identified that buildout of the TASP could place sensitive land uses (land uses that could house sensitive receptors) near local intersections or roadways associated with air pollutant emissions that exceed (worsen) State or federal ambient air quality standards.

The District project would develop the site with new residential and commercial uses, similar to what the TASP envisioned, although with fewer visits and less retail area. The new uses would result in mobile air quality impacts from increased vehicle trips to and from the project site and air quality impacts such as emissions generated from the use of landscaping equipment and consumer products. Therefore, the proposed project would also contribute to the significant regional and local air quality impacts identified in the TASP FEIR. The TASP FEIR identified policies which provide measures to reduce vehicle trip generation and thus vehicle emissions from the project. Although the policies would reduce air quality impacts, regional emissions would remain significant and unavoidable as identified in the TASP FEIR. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than described and evaluated in the TASP FEIR.

Construction-Related Impacts

Construction activities would cause temporary adverse effects on local air quality. Construction activities such as earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases immediately after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Development of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP FEIR. With implementation of TASP Policy 5.16 which would reduce construction-related air quality impacts, the proposed project would also not result in any new or more significant construction-related air quality impacts than were evaluated in the TASP FEIR. This impact would remain less than significant.

Local Community Risk and Hazard Impacts to Sensitive Receptors

The TASP FEIR identified a variety of pollutant or toxic air emissions (TACs), such as diesel exhaust and those from dry cleaning facilities, in addition to emissions that could be released from construction projects and operations associated with the proposed project. TASP Policy 5.23 requires project sponsors to inform future and/or existing sensitive receptors of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts. As identified in the TASP FEIR, this information could be disseminated through rental agreements, real property disclosure statements, and/or mailed notices to existing residents and property owners; and would include, but would not be limited to: location of dry cleaners, proximity to diesel emission from trucks and passenger vehicles, and light duty industrial operations. The proposed project does not include additional TAC sources in the project site; therefore implementation of the proposed project would have a less-than-significant impact.

Objectionable Odors

The TASP FEIR did not address potential odor impacts for the proposed project. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not create objectionable odors affecting a substantial number of people. The proposed project would not increase impacts beyond those evaluated in the TASP FEIR and would have a less-than-significant impact related to odors.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.*
- *Policy 3.d-I-9: Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.*
- *Policy 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.*
- *Policy 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.*
- *Policy 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.*

- *Policy 2.b-I-2: Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.*

TASP Policies

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 [of the Specific Plan]. The City and/or private property owner shall install sidewalks in areas where they currently do not exist, and where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.*
- *Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes are continuous and designed to be attractive and safe for pedestrians.*
- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy3.16.*
- *Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as day care facilities, schools, nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.*
- *Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.*
- *Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement. This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999).*
- *Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human*

health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

CONCLUSION

The TASP FEIR adequately evaluated the potential air quality impacts for The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IV.	**BIOLOGICAL RESOURCES.** Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	☒

DISCUSSION

Protected Plants and Wildlife

As described in the TASP FEIR, the area covered by the TASP consists of land previously altered by development. The majority of the TASP Area is covered in vacant industrial lots that have been previously developed and abandoned with structures that are partially or entirely dismantled, resulting in lots with compacted soils and ruderal (plants growing among refuse) habitats. Within the project area, the less disturbed ruderal areas could be occupied by ground squirrels and other rodents. Although these areas are generally lacking in vegetation, under appropriate conditions they may support sensitive wildlife species such as burrowing owls that have been shown to adapt to human development. With the exception of burrowing owls, the TASP FEIR determined that there is minimal potential for special-status species to occur due to the history of development in the TASP Area.

The only record of special-status species occurring in the area is for burrowing owls. The TASP FEIR notes that development of vacant and ruderal lots could result in a loss of burrowing owls or their nests. According to the TASP FEIR, TASP Policy 5.25, which is now Policy 5.26, would reduce potential impacts to burrowing owls to a less-than-significant level. This policy would require preconstruction surveys, buffers during breeding season, and relocation by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) during the non-breeding season in conformance with all necessary State and federal permits.

The proposed project would implement existing General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.26 to reduce potential impacts to burrowing owls to a less-than-significant level. With implementation of these polices, the proposed project would not create impacts related to protected plants and wildlife that are new or more significant than those analyzed in the TASP FEIR.

Riparian Habitat

As described in the TASP FEIR, the project site is located in proximity to two drainages: Lower Penitencia Creek and Penitencia Creek East. While these drainages lack high-quality riparian habitat, patches of riparian habitat exist. New development in the TASP Area could result in loss or degradation of this habitat.

The TASP FEIR determined that implementation of General Plan Policy 4.b-I-4 and Policy 4.b-I-5 and TASP Policy 5.29, which is now Policy 5.30, would ensure that potential impacts of new development on riparian habitat would be less than significant.

In addition, the proposed project must obtain the necessary State and federal permits prior to work within State or federal jurisdictional habitat areas, respectively. The project site does not support other sensitive natural communities. With implementation of the above-mentioned polices, the proposed project would not create impacts related to riparian habitat that are new or more significant than those analyzed in the TASP FEIR.

Federally Protected Wetlands

As the TASP FEIR states, Penitencia Creek and Penitencia Creek East and their tributaries receive protection under Section 404 of the Clean Water Act. Wetlands associated with these drainage features also potentially receive protection under Section 404.

The TASP has specific design guidelines, including setbacks that would reduce direct impacts on creeks within the TASP Area. TASP Policy 5.29 requires setbacks from creeks to be a minimum 25 feet from top of bank or from a maintenance road, if one exists. Additional side and rear yard setbacks are also required. General Plan Policies 4.b-I-4 and 4.b-I-5 would ensure impacts to federally protected wetlands are less than significant. The applicant for The District project would be required to coordinate with the Army Corps of Engineers (Corps), CDFW, and the State Water Control Resources Board (RWQCB), depending on the jurisdiction potentially affected. The proposed project would conform to the setback requirements and other design standards provided in the TASP. In addition, the proposed project would coordinate with the necessary agencies, as required. By following these guidelines and implementing General Plan Policies 4.b-I-4 and 4.b-I-5, the proposed project would not create impacts related to wetlands that are new or more significant than those analyzed in the TASP FEIR.

The TASP includes policies for project sites adjacent to waterways, including Policy 5.31 which sets out construction requirements and Policy 5.32 identifies the location of projects that would need to obtain permits from the Santa Clara Valley Water District (SCVWD) prior to construction. The proposed project would conform to these policies and therefore would not create impacts related to waterways that are new or more significant than those analyzed in the TASP FEIR.

Wildlife Movement Corridors

As the TASP FEIR states, nesting habitat for non-listed special-status raptor species occurs on and near the TASP Area. Many bird species use the existing ornamental trees for cover, nesting, or stop-over locations during migration, especially with the availability of water from the drainages within the TASP Area. Removal of large, mature trees can cause direct mortality to nesting birds and their young and construction disturbance can cause nest abandonment resulting in indirect loss to avian species. Raptors also could potentially use large and/or mature trees in the TASP Area for nesting. Raptors and other common birds and their nests and eggs are protected under California Department of Fish and Game Code 3503.5. The project would implement TASP Policy 5.26, now Policy 5.27, which would require a qualified biologist to conduct a survey that would be considered by the U.S. Fish and Wildlife Service (USFWS) and CDFW as appropriate, on a case-by-case basis in certain conditions, to determine whether a project would require avoidance procedures. Implementation of General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.27 would reduce potential impacts to nesting raptors and other birds to less-than-significant levels. The proposed project would conform to the above policies and therefore would not create impacts related to migrating wildlife that are new or more significant than those analyzed in the TASP FEIR.

Mature Trees

The TASP FEIR does not contain a comprehensive tree survey. The FEIR recognizes that the impacts of the high intensity, transit-oriented redevelopment of the area would require removal of many trees. The loss of protected trees would be a significant impact (Impact 3.8-3) that would require compensation per the City ordinances. On the project site, mature trees covered by the City's Tree Maintenance and Protection Ordinance are located along Great Mall Parkway, Centre Pointe Drive, and Bond Street. The project applicant would be required to obtain a permit for tree removal under the City's Tree Maintenance and Protection Ordinance. Tree removal would also comply with all City requirements to minimize impacts on biological resources during removal. As part of the landscape plan, the applicant proposes to plant more than 300 trees within and along the street frontage of the project site, and would remove only one tree with a diameter at breast height exceeding 37 inches, which the City considers to be a mature tree. In addition, the TASP FEIR identified Policy 5.27, now Policy 5.28, to reduce impacts to trees to a less-than-significant level.

Note that mature trees along McCandless Drive have already been removed and replaced. The TASP FEIR states that following the City's Tree Maintenance and Protection Ordinance as well as implementing General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policies 5.27 and 5.28 would reduce this impact to a less-than-significant level. The proposed project would conform to these policies, and therefore would not create impacts related to trees that are new or more significant than those analyzed in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

General Plan Policies

- *Policy 4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.*
- *Policy 4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.*

TASP Policies

- *Policy 5.26: For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a*

qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

- *Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
- *Policy 5.28: Development under the Specific Plan shall, to the maximum extent feasible (and with exceptions such as removal for emergency, health or fire hazard purpose) retain the corridor of trees along McCandless Drive and corridors of trees in the vicinity both as a potential resource for habitat and as an important visual resource.*
- *Policy 5.29: Per Figure 5-23 G and Tables 5-1 and 5-2 [of the Specific Plan], a minimum 25 foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.*
- *Policy 5.30: Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFW, as required by law. Coordination will include evaluation of existing riparian habitat and development of avoidance, minimization and/or compensatory measures sufficient to procure a streambed Alteration Agreement with the CDFW.*
- *Policy 5.32. Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.*

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
V.	**CULTURAL RESOURCES.** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

DISCUSSION

Historic Resources

The project site is fully developed with light industrial buildings. None of the existing structures are considered significant historic resources under the State or federal standards for historic resources. The only historic resource in the TASP Area that is listed in the City's Register of Cultural Resources is the Old Ford Motor Assembly Plant now known as the Great Mall, which is located approximately 0.1 miles north of the project site. Therefore, the proposed project would not result in impacts to buildings that are historic resources.

Prehistoric and Historical Archaeological Resources

No archaeological resources have been identified on the project site. However, as noted in the TASP FEIR, the TASP Area is considered sensitive for archaeological resources. One Native American archaeological resource, CA-SCL-593, and a prehistoric archaeological site are located adjacent to the TASP Area. Previous archaeological studies suggest that there could be an archeological complex in and around these sites that might extend into the TASP Area. The TASP FEIR also determined that there is a moderate to high likelihood that unrecorded Native American cultural resources exist on sites within the TASP Area due to early settlements along Penitencia Creek.

While subsurface cultural resources are not anticipated to be encountered with demolition and grading of the site, there is a chance that construction activities could affect previously-unidentified archaeological resources on the project site. The TASP FEIR identifies Policy 5.31, now Policy 5.34 to reduce the impacts to previously unidentified archeological resources to a less-than-significant level through construction monitoring, and if remains are found, temporary halting of construction until development of a mitigation plan and its implementation. This measure applies to the project site, the same as it applies to the TASP.

Implementation of Policy 5.34 from the TASP would reduce impacts to previously unidentified archeological resources to a less-than-significant level. Implementing the proposed project would not lead to new or more severe impacts to archaeological resources that would occur beyond those already identified in the TASP FEIR.

Paleontological Resources

There is the potential to encounter unidentified fossils during construction of new development. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant. Adverse impacts on paleontological resource could occur when earthwork activities such as mass excavation cut into geological formations, or depths below the soil layer, which is generally 6 feet deep. The TASP FEIR determined that project specific evaluation, monitoring during construction, temporary suspension of grading, fossil recovery in the event fossils are discovered, as identified in TASP Policy 5.32, now Policy 5.35, would reduce the potential impact to such resources to less-than-significant levels. Implementing the proposed project would not lead to new or more severe impacts to paleontological resources that would occur beyond those already identified in the TASP FEIR.

Disturbance of Human Remains

All development within the TASP Area must conform to State laws pertaining to the discovery of human remains. If human remains of Native American origin are discovered during project construction, the developer and/or Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission.

Sections 21083.2 and 21084.1 of the *Public Resources Code* state that if any human remains are discovered or recognized in any location on the project site, there shall be not further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until required conditions are met. This requirement would be the same for the proposed project as for the TASP and would reduce impacts to potential human remains to a less-than-significant level. These potential impacts would not exceed those already identified in the TASP FEIR, and the project would not result in any new or more significant impacts to cultural resources beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Santa Clara County and other

appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center Office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA standards of significance, construction shall proceed. On the other hand, if the archaeologist determines that further information is needed to evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Clara County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin,
    - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
    - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission

TASP Policies

- *Policy 5.32: See this policy in Section IV, Biological Resources.*
- *Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA § 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The*

MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.

- *Policy 5.35: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.*

CONCLUSION

The TASP FEIR adequately evaluated the potential cultural resource impacts of The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VI.	**GEOLOGY AND SOILS.** Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
	ii) Strong seismic ground shaking?	☐	☐	☐	☒
	iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	iv) Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

DISCUSSION

Seismicity and Seismic Hazards

All structures in the Bay Area could be affected by ground shaking in the event of an earthquake along regional active faults. Seismic shaking could cause extensive nonstructural damage to buildings at the project site. As the TASP FEIR states, some structural damage is not avoidable. Building codes and construction standards established by the California Building Code and contained in Title 24 of the California Code of Regulations (CCR) protect against building collapse and major injury during a seismic event. The proposed project would comply with the provisions of California Building Code to help prevent extensive structural damage due to seismic-related ground shaking. Building permit applications for subdivisions must be accompanied by a preliminary soils report that indicates the presence of soil problems which, if not corrected, could lead to structural defects and include recommended corrective actions to prevent structural damage where such soil problems, such as liquefaction exists. Also, the Seismic Hazards Mapping Act requires that before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation of the site has to be conducted and appropriate mitigation measures incorporated. Thus, recommendations included in the preliminary soils report and geotechnical investigation would help reduce potential liquefaction hazards to less-than-significant levels.

The proposed project would comply with the California Building Code, Seismic Hazards Mapping Act, and General Plan policies that address seismic and geological hazards including the preparation of a site-specific geotechnical investigation that must be submitted to and approved by the City Geologist prior to issuance of a grading permit.

Unstable and Expansive Soils

Soils within the TASP Area consist of inter-layered, poorly-sorted gravel, sand, silt and clay. Soils within the TASP that contain high percentage of clays would be susceptible to expansion. Settlement

would be a concern in areas that have not previously supported structures and where new structures would place loads heavier than the soils would tolerate. Erosion hazards would be highest during construction activities, as construction would involve demolition of existing structures, stripping of surface vegetation, grading, excavation of soils, and placement of imported engineered soils. Existing impervious surfaces and established ground cover that serves to stabilize site soils would be removed during construction, potentially exposing soils to the erosional forces of wind, rain and runoff.

The Milpitas City Code requires that building permit applications be accompanied by a preliminary soils report that addresses site soil conditions, including expansive soils, settlement and erosion, and provides recommendations to offset potential soils problems. In addition, the proposed project would be required to comply with National Pollution Discharge Elimination System (NPDES) General Construction Permit requirements and to prepare a Storm Water Pollution Prevention Plan (SWPPP). The proposed project would conform to these policies and regulations and would not result in new or more significant geologic impacts than those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act, and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.*

TASP Policies

- *Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.*

CONCLUSION

The TASP FEIR adequately evaluated the potential geology and soil impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

DISCUSSION

The TASP FEIR found that the primary sources of greenhouse gas (GHG) emissions related to urban development in the TASP Area are anticipated to continue to be from combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are anticipated from construction activity that would occur during the implementation of the TASP. Since the GHG emission rate is related to growth, the TASP promotes policies that reduce energy consumption and fuel usage by encouraging development patterns that would reduce the vehicles miles traveled (VMT) per capita and proposes a variety of actions and policies that can reduce emissions to less-than significant levels.

The TASP FEIR found that the rate of increase in VMT would be less than the rate of increase in population due to the mixed-use and transit area nature of new development proposed under the TASP. The TASP FEIR found that while the population is expected to increase significantly in the area, a large percentage of that population would use transit options made available to them which in turn would reduce vehicle use. The TASP FEIR also found that the increase in VMT will not prevent the reduction of statewide greenhouse gas emissions to 1990 levels.

Individual projects incrementally contribute toward the potential for global climate change on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

The TASP FEIR analyzed the potential GHG emissions that would result from buildout of the TASP. The TASP was designed to provide residential uses in proximity to retail and commercial uses and to transit, such as the BART station, to minimize the use of vehicles and generation of vehicle miles traveled. TASP policies also encourage the development of pedestrian friendly streets and bikeways to promote alternative forms of transportation. The proposed project would incorporate the TASP policies by: providing continuous pedestrian sidewalks and safe bike travel routes, consistent with Policy 3.21; providing direct walking routes to schools and major destinations such as retail developments consistent with Policy 3.22; encouraging children to walk to school by providing safe routes consistent with Policy 3.23; and providing bikeways and bike storage and providing parking areas that encourage carpooling and use of low emission vehicles consistent with TASP Policies 3.28,

3.31, 3.33 and 3.34. The TASP FEIR concluded that implementation of these measures would reduce impacts from GHG emissions for the TASP to less-than-significant levels. As the proposed project would remain in compliance with these policies, the project's impact on GHG would also be less than significant.

Regarding electricity consumption, the TASP FEIR found that the increase in total demand for electrical energy as a result of the TASP would be reduced to less-than-significant levels by requiring compliance with State, local, and TASP energy efficiency policies. These policies (outlined below) will ensure that the additional energy that homes and businesses consume would not impede achievement of the statewide reduction in emissions mandated by the California Climate Solutions Act of 2006 and will ensure that the impact of increased energy consumption in the TASP Area would be less than significant. Additionally, the proposed project would encourage and support energy efficiency and green building techniques that would reduce energy-related GHG emissions, similar to the previously approved TASP FEIR.

Implementation of the proposed project would not result in an increase in GHG emissions beyond those analyzed in the TASP FEIR and impacts would remain less than significant.

The TASP FEIR did not include an evaluation of the project's compliance with the City's 2013 Climate Action Plan which was not in place at the time the FEIR was certified. The Climate Action Plan includes GHG reduction goals, policies, and actions for new and existing development projects. The proposed project includes transit oriented development in addition to the TASP policies listed below, which are consistent with the Climate Action Plan's transportation and land use goals. Therefore, the project would be in conformance with the City's Climate Action Plan.

The proposed project adheres to the building guidelines of the TASP, is consistent with the Milpitas Climate Action Plan, and promotes reductions in greenhouse gas emissions through high-density development in proximity to transit. Additionally, while the proposed project would remove many existing trees, the project would comply with City ordinances and requirements for replacing and planting new trees, which would help offset greenhouse gas emissions. The proposed project would result in no new or more severe impacts related to greenhouse gas emissions than analyzed in the TASP FEIR and further analysis is not required.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies related to Greenhouse Gas Emissions

- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-*

matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.

- *Policy 3.21: See this policy in Section III, Air Quality.*
- *Policy 3.22: See this policy in Section III, Air Quality.*
- *Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.*
- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the Specific Plan].*
- *Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.*
- *Policy 3.33: See this policy in Section III, Air Quality.*
- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*
- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*
- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*
    - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*
    - *Automatic lighting systems in public buildings and offices; and*
    - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

CONCLUSION

The TASP FEIR adequately covered the greenhouse gas emissions impacts of The District project and no new impacts related to greenhouse gas emissions are anticipated.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

DISCUSSION

Transport, Use, Storage, and Disposal of Hazardous Materials

The proposed project would not manufacture or generate hazardous materials. The proposed project could involve the use, handling and storage of commercially-available hazardous materials associated with building maintenance, on-site vehicle use, and landscaping. These materials would likely include fuels, paints, flammable liquids, pesticides and herbicides. Any hazardous materials stored and used at the site would be managed in accordance with applicable local, State, and federal hazardous materials regulations and General Plan policies that would reduce risks associated with leakage, explosions, fires or the escape of harmful gases.

Therefore, the proposed project would not worsen or result in new impacts related to the routine transport, use, storage, or disposal of hazardous materials, beyond those identified in the TASP FEIR.

Release of Hazardous Materials and Risk of Upset

The project site contains volatile organic compound (VOC)-impacted groundwater as well as soil contaminated with petroleum hydrocarbons and lead at concentrations exceeding potentially applicable residential screening levels. Project-related impacts to human health and the environment associated with site contamination and hazardous building materials would be considered potentially significant. There is a potential that existing buildings on the project site could contain asbestos and lead and could expose workers to contaminants during demolition activities.

TASP Policy 5.20 addresses potential hazardous materials that could impact human health and required remediation of contaminated site. TASP Policy 5.21 addresses contaminants that may be present in existing buildings such as asbestos, PCB's, and lead. TASP Policy 5.22 requires a Risk Management Plan at sites with known contamination issues. Furthermore, development within the TASP Area would be required to comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. All projects within the TASP Area are required to be in full compliance with Title 17 and Title 8 of the California Code of Regulations that would abate lead in public and residential buildings and that covers construction work where employees may be exposed to lead, including metallic lead, inorganic lead compounds, and organic lead.

The TASP FEIR determined that compliance with the above policies as well as other applicable local, State and federal safety standards would reduce potential exposure of people and the environment to hazardous materials associated with development on impacted properties or demolition of older structures to a less-than-significant level.

The proposed project would conform to the above policies and therefore would not result in new or more severe impacts related to the release of hazardous materials than identified in the TASP FEIR.

Emission of Hazardous Materials within 0.25 miles of a School

No schools are located within 0.25 miles of the project site. However, under the TASP, an elementary or K-8 school could be constructed in the vicinity of Houret Drive and McCandless Drive. TASP Policies 5.20, 5.21 and 5.22 would address potential hazardous materials impacts related to existing site contamination and construction activities throughout the TASP Area, including the project site. The TASP FEIR determined that potential impacts to future school sites would be less than significant.

The proposed project would not result in new or more severe impacts related to emissions of hazardous materials within 0.25 miles of a school than those analyzed by the TASP FEIR.

Hazardous Materials Site Pursuant to Government Code Section 65962.5

A site located in the project area, 241 Houret Drive, was listed as a hazardous materials site, but has since been closed.[7] No other areas of the project site are identified on the Cortese list or on other regulatory databases compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a significant hazard to the public or the environment and would not result in impacts more severe than analyzed in the TASP FEIR.

Emergency Response or Evacuation Plan

The proposed project would comply with standard City regulations related to the provision of adequate access for emergency vehicles and secure evacuation routes. The project would not alter roadways in the vicinity of the project site except for relatively minor project site access driveways and turn lanes. The project would therefore not impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan.

Other Issues

The project site is in an urban area and is not located in the vicinity of an airport and is not prone to wildfires. Therefore, the proposed project would not result in any impacts related to wildfires or airports.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

[7] Haley & Aldrich, Inc., 2013. *ASTM Phase I Environmental Site Assessment and Limited Phase II Assessment for 231 Houret Drive*. June 11.

APPLICABLE POLICIES

TASP Policies

- *Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination.*

  For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs2) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings.

  For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

- *Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos-containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.*

- *Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users*

adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.

CONCLUSION

The TASP FEIR adequately evaluated potential impacts related to hazards and hazardous materials at or affecting The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IX.	**HYDROLOGY AND WATER QUALITY.** Would the project:				
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f)	Otherwise substantially degrade water quality?	☐	☐	☐	☒
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	☐	☐	☐	☒
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

DISCUSSION

Water Quality Standards

During the construction period of the proposed project, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in runoff. Soil stockpile and excavated areas would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in storm drains or water courses within or adjacent to the project site. The accumulation of sediment could result in blockage of flows, potentially resulting in temporarily increased localized ponding or flooding.

The release of pollutants and chemicals such as fuels, oil, paints and solvents from construction could be transported to nearby surface waterways and groundwater in stormwater runoff, wash water, and dust control water, potentially reducing the quality of receiving waters.

The TASP FEIR identified the following policies that would help reduce construction related water quality impacts to less than significant: General Plan Policy 4.d.-G-1, General Plan Policy 4.d.-I-1, and TASP Policy 5.33, now Policy 5.36, and TASP Policy 5.34, now Policy 5.37.

The TASP and General Plan policies and water quality impacts associated with the project would not be different or more severe than those identified and mitigated in the TASP FEIR.

Deplete Groundwater Supplies

As discussed in the TASP FEIR, the project site is located in a highly urbanized area and is largely covered with impervious surfaces. The proposed project would include areas of landscaping and new trees, and would result in a net reduction in impervious surfaces. Therefore, the groundwater recharge rate at the site would be expected to be the same or potentially greater than under current conditions. The proposed project would not require the pumping of groundwater (aside from necessary construction period dewatering operations) and therefore would not deplete local groundwater supplies. Therefore, additional depletion of groundwater resources associated with the proposed project is not expected. The proposed project would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

Drainage Pattern and Surface Run-off

As discussed in the TASP FEIR, development of the TASP Area including the project site would not substantially alter the course of a stream or river that would result in substantial erosion or siltation on or off site. The TASP Area would maintain approximately the same drainage patterns, utilizing street gutters and storm drains that would remain where they are currently located.

The TASP FEIR determined that stormwater runoff would decrease with the buildout of the TASP Area, including the project site. The addition of more landscaped areas and parks would allow more precipitation to infiltrate into the ground compared with the current condition of nearly complete coverage of impervious pavement. The TASP FEIR determined that none of the existing stormwater drainage pipelines would require expansion.

Developers are required to fund a Storm Drainage Plan for each subdistrict within the TASP Area that includes measures to reduce runoff pollutants and control pollutant sources to the maximum extent practical. Full compliance with the Santa Clara County National Pollution Discharge Elimination System (NPDES) permit guidelines for stormwater discharges and General Plan Policy 4.d.-G-1 would ensure that long-term water quality impacts would not be significant.

The TASP FEIR assumed implementation of TASP Policy 6.5 that would ensure that runoff in storm drains does not lower water quality within or outside of the TASP Area by implementing Best Management Practices (BMPs) in new developments within the TASP Area. This policy was subsequently removed from the TASP. However, the proposed project would comply with the applicable NPDES regulations and General Plan policies. As the proposed project would be constructed in accordance with these requirements, no additional impacts or more severe impacts than analyzed by the TASP FEIR would occur with project implementation.

Flooding and Dam Failure Inundation

The TASP Area, including the project site, does not have any flood hazard from a release of waters associated with a failure of the Sandy Wool Lake Dam. I-680 forms a barrier that protects areas west of the freeway, including the TASP Area.

However, the TASP Area, including the project site, is located in a 100-year flood zone. The City's Municipal Code contains provisions designed to reduce future losses associated with flooding events to comply with regulations stipulated by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP). Each project within the TASP Area must comply with specific standards cited in the Milpitas Municipal Code Section XI-15. The City also provides development standards for all new construction within the TASP Area. The TASP identifies several policies that would help reduce flooding impacts to less-than-significant levels.

The proposed project would be designed to ensure that potential flooding impacts are avoided by developing in accordance with the Municipal Code Section XI-15, the City's development standards, and TASP Policies 6.1, 6.2, 6.3, 6.4, and 6.6. Therefore, the proposed project would not result in new or more severe flooding impacts beyond those already identified in the TASP FEIR.

Inundation by Seiche, Tsunami, or Mudflow

As stated in the TASP FEIR, the project site and vicinity are sufficiently elevated and distant from San Francisco Bay to avoid any hazard of tsunami or seiche run-up inundation. Future development would not expose people or structures to inundation by seiche, tsunami, or mudflow.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area.*
- *Policy 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.*

TASP Policies

- *Policy 5.36: See this policy in Section VII, Greenhouse Gas Emissions..*
- *Policy 5.37: See this policy in Section VII, Greenhouse Gas Emissions..*
- *Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.*

- *Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.*
- *Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk. The design and development standards in Chapter 5 [of the proposed Plan] must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.*
- *Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.*
- *Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.*
- *Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.*
- *Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.*

CONCLUSION

The TASP FEIR adequately evaluated the hydrology and water quality impacts of The District project.

		Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
X.	**LAND USE AND PLANNING.** Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

DISCUSSION

Disrupt or Divide an Established Community

Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. The District project would develop new residential and commercial uses on several sites within the TASP Area that contain existing commercial uses and surface parking. The proposed project would provide public access by including sidewalks throughout the project site that connect with the existing sidewalks along McCandless Drive, Centre Pointe Drive, Great Mall Parkway and Montague Expressway. The project would develop two pedestrian bridges over Penitencia Creek and a landing area for a pedestrian bridge over Montague Expressway. Additionally, numerous pedestrian access points would be provided along the edges of the proposed buildings that front public right-of-ways. Similarly, bicycle and vehicle access would be provided via the public streets surrounding the site. Therefore, the project design would not inhibit public connectivity, and would not physically divide a community. This impact would be less than significant and would be no more severe than analyzed in the TASP FEIR for the project area.

Conformance with Land Use Plans

The purpose of the TASP is to transition former industrial to primarily residential and commercial uses adjacent to nearby transit. Upon certification of the TASP FEIR, the City of Milpitas adopted amendments to the General Plan and Zoning Ordinance to ensure consistency between the planning documents. The TASP FEIR evaluated these new land use designations and associated policies and determined that impacts of the land use classifications and density of development conceived under the TASP would be less than significant.

As described in the Project Description (Attachment B to the Addendum), the proposed project requests changes to the TASP land use and zoning associated with adoption of the TASP. The project site has the following land use designations: Boulevard Very High Density Mixed Use, Residential

Retail High Density Mixed Use, and Multi-Family Residential Very High Density. The project proposes a General Plan Amendment to change the land use designation on a portion of the proposed project (Centre Pointe B). These changes would include a General Plan Amendment, a TASP Amendment, and a Rezone for portions of Centre Pointe Site B, specifically for parcels APN 86-33-086 and APN 86-33-087. These Amendments would change the existing Residential Retail High Density Mixed Use (RRMU) land use designations on Centre Pointe Site B to High Density Transit Oriented Residential (HDTOR). The City would make these changes to both the General Plan Land Use Map and the TASP Land Use Map. In addition, the project would include an amendment to the TASP Zoning District Map Figure 5-21 to change the TASP zoning designation for portions of Centre Pointe Site B from Mixed Use High Density with Retail Transit Oriented Development (MXD2-TOD) to Multiple Family High Density Transit Oriented Development (R3-TOD). Figure 5 and Figure 6 in Attachment B, Project Description, illustrate the existing and proposed changes to Centre Pointe Site B associated with the project. Table 4 in Attachment A, Project Description, identifies the TASP land use designations and TASP zoning designations for the proposed project and identifies how the proposed project satisfies the development standards for each designation.

The TASP requires that all projects proposed within the TASP Area are subject to a Site and Architectural Review in accordance with Chapter 42 of the City's Zoning Ordinance. Projects must demonstrate compliance with the TASP, including the Development Standards and Design Guidelines. In order to approve a project or variance, the City must find that "The proposed project conforms to the intent and the specific requirements of the Transit Area Specific Plan, including the Development Standards and Design Guidelines." The applicant has submitted a matrix identifying how the proposed modifications to The District project comply with and implement the Development Standards; the Planning Commission may approve those exceptions upon approval of a use permit.

The applicant has requested a use permit to allow for variances from the Development Standards. In order to approve the use permit, the City must find:

- The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the TASP and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.
- The deviation from the Transit Area TASP Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.

The proposed project would result in a reduction of densities, heights, retail square feet, and the number of dwelling units compared to the development proposed for The District and evaluated in the TASP FEIR. The TASP FEIR evaluated the development of up to 7,100 residential dwelling units, 1,000,000 square feet of commercial space, 285,000 square feet of retail space, and 175,000 square feet of hotels within the TASP Area. The TASP FEIR evaluated the development of 1,633 dwelling units, 93,690 square feet of retail, and no hotel for The District site. The proposed project would include 1,169 residential dwelling units, 83,842 square feet of retail, and a 175-room hotel, which is consistent with the TASP and is within the land uses anticipated for the TASP Area. Overall, the proposed project would include 464 fewer dwelling units, 9,848 fewer square feet of retail, and a new hotel with 175 rooms.

Therefore, the proposed amendments to the General Plan, TASP, and Zoning Ordinance, and the density and intensity of the proposed project would not result in any new or more significant land use impacts than those identified in the TASP FEIR. The proposed project would also not conflict with the General Plan Land Use and City Zoning designations.

Land Use Compatibility

At buildout, the TASP assumes the overall urban design and development standards associated with changes to land use and zoning would contribute to fewer incompatible land uses in the TASP Area. Land uses proposed by the TASP are more compatible with the existing and proposed adjacent residential and commercial uses. In addition, the heights and densities of higher density residential and commercial uses will provide a transition toward lower density housing. Over the planning horizon, residential uses will be built in an existing industrial area. Therefore incompatible uses may be temporarily adjacent to each other until complete buildout. The TASP also includes a number of development standards to minimize potential impacts of incompatible land uses, such as setbacks, and building location and placement policies and standards. The full set of development standards can be found in Chapter 5 of the TASP. With implementation of these self-mitigating policies and standards in the TASP, the TASP FEIR concluded that no mitigation measures would be required to address potential land use impacts.

The proposed project would conform to the TASP policies as well as the development standards provided in Chapter 5 of the TASP. The District project would include land uses addressed by the TASP and would not result in any land use compatibility impacts that would be more severe than those analyzed in the TASP FEIR. Therefore, the proposed project would not conflict with established or planned land uses.

Habitat Conservation Plan

No Habitat Conservation Plan has been prepared for the TASP, including for the project site. Thus no impacts on a Habitat Conservation Plan would occur due to the TASP or this project.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 3.8: Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*
- *Policy 3.9: Maintain the Midtown Plan's gross floor area policy, which excludes all areas of a building devoted to parking from FAR calculations.*

- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.2.4) shall apply to the entire area of the Transit Area Specific Plan.*
- *Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.*
- *Policy 5.11: Residential developers to construct masonry walls to buffer residential uses from BART and UPRR train tracks.*
- *Policy 5.13: Apply the FTA Groundborne vibration criteria (Table 5.5 of TASP) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.*
- *Policy 5.14: Project applicants shall conduct a vibration impact analysis of any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (Single family and multifamily) and lodging facilities would be at acceptable levels.*
- *Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance.*
- *Policy 5.16: See policy in Section III, Air Quality.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*
- *Policy 5.18: Day care facilities, schools, nursing home, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks and additional exit routs over and above minimum code requirements.*
- *Policy 5.19: Require the installation of temporary buffers-fences, walls or vegetation-when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when the adjacent site is redeveloped as a non-industrial use.*

CONCLUSION

The TASP FEIR adequately evaluated the land use impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

DISCUSSION

The entire TASP Area, including the project site, is located in a developed urban area that does not have mineral exploration or extraction occurring in the vicinity. In addition, the TASP Area is not designated as containing mineral resource deposits of regional importance. As such the proposed project as well as the TASP would have no impacts on mineral resources.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

DISCUSSION

Construction-Period Impacts

The proposed project would be consistent with the buildout projected for the TASP, and would implement the policies identified in the TASP FEIR to reduce potential noise impacts to less-than-significant levels. Construction of the project would adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan. The project would implement the measures identified in the TASP for addressing noise, including providing disclosures to future residents per Policy 5.17, and requiring temporary buffers if residents are placed next to existing industrial uses per Policy 5.19.

As described in the TASP FEIR, construction noise impacts would vary depending on proximity to sensitive receptors, the presence of intervening barriers, and the number, types, and duration of construction equipment used. Compliance with the General Plan and TASP policies would ensure that construction noise impacts would be less than significant.

The City's Noise Abatement Ordinance would restrict construction hours from 7:00 a.m. to 7:00 p.m. The City's General Plan Policy 6-I-13 would minimize construction noise impacts by restricting the hours of operation, technique, and equipment used. Additionally, the TASP Policy 5.15 requires that construction noise be mitigated to the extent feasible to reduce exposure of sensitive receptors.

The proposed project would not result in any new or more significant construction-period noise impacts than were described in the TASP FEIR. Implementation of the Noise Ordinance, the City of Milpitas General Plan, and the TASP, as included in the TASP FEIR, would reduce construction noise impacts to a less-than-significant level.

Construction Groundborne Vibration Impacts

Construction activities are known sources of groundborne vibration. Vibration impacts could occur during construction of the proposed project, which would require the use of heavy excavation equipment, and the possible use of pile-driving equipment. To determine potential construction vibration impacts, an impact evaluation is described below.

When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. Vibration levels, different from noise levels, are written as vibration velocity decibels (VdB). However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). Therefore, for purposes of this analysis, project-related impacts are expressed in terms of PPV.

Typical groundborne vibration levels measured at a distance of 25 feet from heavy construction equipment in full operation, such as vibratory rollers, range up to approximately 0.210 PPV. Based on the Federal Transit Administration (FTA) data, large bulldozers generate 0.089 PPV at 25 feet and small bulldozers generate 0.003 PPV at 25 feet. Loaded trucks generate 0.076 PPV at 25 feet, an impact pile driver generates 0.644 PPV at 25 feet, and a sonic pile driver generates 0.170 PPV at 25 feet. Except for the impact driver, these vibration levels would not be expected to cause damage to residential buildings of typical northern California construction.

As stated in the TASP FEIR, the proposed project is mixed-use and therefore could expose sensitive receptors to unacceptable levels of groundborne vibration, specifically from Amtrak and freight trains along the Union Pacific Railroad (UPRR) tracks, including the spur line, and from the operation of BART trains along the proposed BART expansion into the TASP Area. Vibration analysis conducted for Santa Clara Valley Transit Authority's BART Expansion SEIR indicated that vibration impacts at existing receptors approximately 100 feet from the centerline of the proposed tracks in the Planning Area would be mitigated to a less-than-significant level (less than the 72 VdB significance threshold for frequent events affecting Category 2 land uses) by either using a floating slab track or by using tire derived aggregate under ballasted track.[8] As this mitigation would reduce vibration at the source, future residential uses proposed along the BART alignment would also experience less-than-significant vibration impacts. In addition, the TASP includes policies that would ensure that vibration levels within buildings would be less than significant.

The proposed project would not result in any new or more significant groundborne vibration impacts than were described in the TASP FEIR. Implementation of TASP policies would reduce potential groundborne vibration impacts on future or existing sensitive receptors to less-than-significant levels.

Operational-Period Impacts

The project would result in an increase in people living close to transit stations which could expose sensitive receptors to higher noise levels from train and future BART activity. However, this condition would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

Stationary Noise Source Impacts

The proposed long-term use of the project site is mixed-use transit oriented development. Potential long-term stationary source impacts at the project site would be primarily associated with transportation activities and operations associated with delivery truck activities. The proposed

[8] Transportation Authority, Santa Clara Valley, 2010. *BART Silicon Valley Environmental Impact Report.* November.

commercial uses could result in noise from mechanical equipment and other on-site sources (e.g., air-conditioning or other mechanical ventilation equipment, delivery loading docks or areas, emergency generators), which would create noise at the nearby sensitive receptors. However, the proposed project would not increase stationary source noise impacts above those analyzed in the TASP FEIR.

Aircraft Noise Source Impacts

According to the City's current and projected noise contours for San José International Airport, the project site is not within an area exposed to aircraft noise levels greater than 60 dB CNEL. Therefore, per TASP FEIR analysis, aircraft noise would have no impact on the project site.

Traffic Noise Impacts

Although the proposed project would result in an increase in traffic noise levels over existing conditions on the street network in its vicinity, it would not result in any additional or more severe noise impacts than were addressed in the TASP FEIR. Policies included in the TASP and the City's General Plan would ensure that traffic noise impacts would be less than significant.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.*
- *Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.*
- *Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.*
- *Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.*
- *Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.*
- *Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.*

- *Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.*
- *Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.*
- *Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.*

TASP Policies

- *Policy 5.10, 5.11, 5.13, 5.14, 5.15, 5.18 and 5.19: See policies in Section X, Land Use and Planning.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*

CONCLUSION

The TASP FEIR adequately evaluated the noise impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION

The proposed land use changes and policy revisions under the TASP (which includes the project site) were initiated in order to develop high-intensity, transit-oriented residential and commercial redevelopment on under-utilized industrial land around existing light rail stations and the future BART station in Milpitas. Promoting such high intensity development around transit stations is a key transportation goal for the Bay Area and would meet regional objectives.

The TASP FEIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the TASP Area. The TASP FEIR assumes that the population growth is concentrated in this area and that the TASP would increase the City's housing stock by 39 percent and its population by 28 percent based on 2006 estimates from the California Department of Finance.[9]

The District project would develop seven land parcels with a combination of mixed-use buildings and high-density residential. The proposed project includes the development of up to 1,169 residential units, 83,842 square feet of retail space, and one 175-room hotel. The project would directly generate a permanent population increase in the area. The project would not displace a residential population or existing housing, as the existing structures on the project site contain or formerly contained industrial uses. Similarly, the project would not result in an expansion of urban services, nor would it open additional undeveloped land for future growth. It would facilitate the reuse of underutilized land in an existing urban setting that is well served by transit facilities and services. In addition, the population and housing units proposed by the project would fall within the total development anticipated by the TASP FEIR. Therefore, the proposed project would not result in new or more significant population growth and/or housing impacts than were analyzed and described in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The TASP FEIR adequately evaluated the population and housing impacts of The District project.

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[9] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

DISCUSSION

Fire and Police Protection

The applicant would construct the proposed project in conformance with current building codes, which require features to reduce potential fire hazards. The Milpitas Police Department would also review project design to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the TASP FEIR, full buildout of the development approved in the TASP Area, including the proposed project, would incrementally increase the need for fire and police protection services, which would create the need for additional staffing or resources, and a new fire station in the TASP Area. The TASP FEIR states that given that the TASP Area anticipated population of 18,000 new residents, there would be a need for at least one and possibly two new fire companies. Future development of new fire or police facilities in the TASP Area would require supplemental project-specific environmental review.

The TASP presents unique operational issues for the Milpitas Fire Department due to its high density residential and mixed-use structures. The increase in population, business, and vehicular traffic resulting from the buildout of the area will increase the demand in service levels and has the potential to impact response times, as well as presenting challenges to Fire Department vehicle access and firefighting operations. To maintain current levels of service, an increase in staffing and equipment will be necessary. A "standards-of-cover" analysis should be conducted to determine the precise impact on the Fire Department's staffing, equipment and any required facility enhancements. In

addition, the Milpitas Fire Department would need to write an addendum to the City's emergency management plan to address the development of the TASP Area.

As the TASP FEIR states, the buildout of the TASP Area, including the project site would require an increase in Police Department staffing to maintain current levels of service. The City currently provides a ratio of 1.46 police officers per 1,000 residents. The City estimates that an additional 26.3 police officers would be needed to maintain service levels.

The District project would follow policies that would reduce Fire and Police Department impacts due to TASP development to less-than-significant levels. The proposed project would not result in any new or more significant impacts to fire or police protection service beyond those identified in the TASP FEIR.

Schools

The proposed project would develop 1,169 new residential units within the TASP Area, which would directly increase the demand for school facilities. The closest schools to the project site are Northwood Elementary and Morrill Middle School within the Berryessa Union School District and Independence High School within the East Side Union High School District. The TASP FEIR determined that buildout of the TASP, including the project site, would contribute significantly to an exceedance of school district capacity for Milpitas Unified School District and East Side Union High School District, but that Berryessa Union School District has adequate capacity for future students generated as a result of the TASP. As such, the TASP FEIR determined that the impacts of the TASP Area buildout on school facilities would be significant and unavoidable.

Polices in the General Plan, Midtown Plan, and TASP would reduce the impact and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and consider joining use agreements for potential shared facilities. The proposed project would conform to the above policies, including TASP Policy 4.76. The proposed project has identified a school site adjacent to Houret 1 and Houret 2, which are two planning areas on the project site. The proposed project has been designed to be compatible with the proposed school site. Impacts to schools are significant and unavoidable and the proposed project would not affect this conclusion. The proposed project would not result in any new or more significant school impacts beyond those identified in the TASP FEIR.

Parks

Given that the TASP Area is transitioning from industrial to residential and that there are no public parks located nearby, new parks would need to be developed in the TASP Area. Since Milpitas is largely built out, no large new parks are likely to be established. Public parks in the TASP Area come in three forms: Parks/Plazas, Linear Parks, and Landscape Buffers. The City has previously adopted a public park ratio of 2.0 acres per 1,000 residents for the Midtown Specific Plan. The TASP FEIR states that while this ratio already applies to all but 12 percent of the TASP Area, the application of this ratio can be considered to provide an adequate level of parks and open space for its residents. This policy would require approximately 35.8 acres of public park space in the TASP Area.

The TASP FEIR identifies several policies and standards that require parks to be built as designated – thereby ensuring that impacts on parkland and facilities would be less than significant.

The proposed project would conform to the TASP policies. The proposed project would provide an urban plaza at the corner of McCandless Drive and Market Street consistent with the identification of a public plaza along this area shown in Figure 3-6 of the TASP and Policy 3.52, and would provide landscaped buffers, landscaped pedestrian paseos, and pedestrian walkways and bike trails consistent with Figure 3-6 and pursuant to TASP Policy 3.40. The project would also pay its fair share of in-lieu park fees for new development pursuant to TASP Policy 3.41. Finally, consistent with TASP Policy 3.54, the project would accommodate two pedestrian bridges over Penitencia Creek, and would provide an area along Montague Parkway for a "landing area" for the pedestrian bridge over Montague Parkway pursuant to TASP Policy 3.56.

Therefore, the proposed project would not result in any new or more significant impacts to park facilities beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 2.c-I-1: Continue working with Milpitas Unified School District (MUSD), Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.*
- *Policy 2.c-I-3: Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fees when necessary to comply with statutory changes. Following this policy will permit the MUSD to update school fees for developers to cover the cost of constructing a new school and expanding Milpitas High School.*
- *Policy 5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.*

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.41: Park land dedication and in-lieu fees required of new development.*
- *Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half streets if bordering an adjacent development site).*
- *Policy 3.48: The park along Penitencia Creek East Channel shall provide a pedestrian path along the creek; BBQ's; a tot lot; open space areas for Frisbee and similar informal recreation, and other passive recreation facilities.*

- *Policy 3.52: Provide a plaza or other type of public space in the Mixed Use District at Great Mall Parkway/McCandless Drive/Centre Point.*
- *Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways. These bike/pedestrian trails will connect into the citywide trail network, pedestrian overcrossings of expressways, and the Transit Area's continuous network of bike lanes. They will be located on both sides of Lower Penitencia Creek and on the east side of the Union Pacific railroad tracks that run between Main Street and McCandless Drive.*
- *Policy 3.55: Complete a Trail Loop connecting the whole Transit area.*
- *Policy 3.56: Connections shall be created along Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.*
- *Policy 3.57: All properties along the trail network will need to set aside land for trails. This land will count towards the required public park land dedication requirement. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land or development sites.*
- *Policy 5.3: All streets (private and public) shall be consistent with the street sections in Chapter 5 of the TASP and shall meet any additional Milpitas Fire Department fire apparatus design requirement for access and firefighting operations.*
- *Policy 6.43: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.*
- *Policy 6.46: The City and the school districts located in the Specific Plan area should consider entering into a joint use agreement, allowing public use of a new school's playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the TASP's public parks requirement. The school building should include facilities that can be accessed and used for community events.*
- *Policy 6.50: The Fire Department shall conduct a 'standards of cover" analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional fire department staff will be hired, equipment purchased and facilities built to provide an adequate level of service – as determined by City Council – for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*
- *Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.*

- *Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development and future traffic levels, into account.*
- *Policy 6.54: Additional police staff will be hired and equipment purchased to provide an adequate level of service – as determined by City Council – for residents, workers and visitors of the of the Transit Area. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*

CONCLUSION

The TASP FEIR adequately evaluated the public service impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

DISCUSSION

The proposed project would generate a residential population that would increase demand for park and recreational facilities. The proposed project would conform to TASP policies identified in Section XIV, Public Services. To meet these standards and policies, the proposed project would provide an urban plaza at the corner of McCandless Drive and Market Street consistent with the identification of a public plaza in this area shown in Figure 3-6 of the TASP and Policy 3.52, and would provide landscaped buffers, landscaped pedestrian paseos, and pedestrian walkways and bike trails consistent with Figure 3-6 and pursuant to TASP Policy 3.40. The project would also pay its fair share of in-lieu park fees for new development pursuant to TASP Policy 3.41. Finally, consistent with TASP Policy 3.54, the project would accommodate two pedestrian bridges over Penitencia Creek, and would provide an area along Montague Parkway for a "landing area" for the pedestrian bridge over Montague Parkway pursuant to TASP Policy 3.56.

In addition, the proposed project would include approximately 89,914 square-feet of shared open space for future residents.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the Specific Plan]. Minor adjustments to the location of parks may be necessary to facilitate a better site plan, respond to site specific constraints, or to accommodate phasing of a project. Smaller parks may be combined to form a larger neighborhood park within the same subdistrict as long as there is no reduction in park area. Complete elimination or relocation of a park outside of a subdistrict requires an amendment to the Specific Plan. If a school is located on a site designated as a park, it may be counted as a park if a joint use agreement is established to allow public use of open space and buildings for recreation purposes after school hours and on weekends. If no such joint use agreement is established, an alternative park site shall be designated.*
- *Policy 3.41 and 3.43: See policies in Section XIV, Public Services.*
- *Policy 3.45: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis.*
- *Policies 3.48, 3.54, 3.55, 3.56, 3.57: See policies in Section XIV, Public Services.*

CONCLUSION

The TASP FEIR adequately evaluated the recreation impacts of The District project**.**

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

DISCUSSION

This section compares traffic impacts from the proposed project with impacts identified in the TASP FEIR. Pirzadeh & Associates prepared the Traffic Operations Analysis[10] (TOA) to evaluate localized and site access traffic improvements for the proposed project. Pirzadeh & Associates wrote a memorandum that explained how the TOA remained valid for a relatively small increase in project trips and clarified the analysis of retail uses.[11]

[10] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised)*. September 10.

[11] Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units*. October 13.

Trip Generation

The TOA uses trip generation rates and site trip generation calculation procedures from the TASP. The trip generation data are used to assign trips to project driveways and adjacent streets and to conduct a site access operational analysis.

Intersection Level of Service Impacts

The TOA identified nine intersections and/or driveways for inclusion in the analyses of the proposed project. The traffic analysis used the March 5, 2012, TJKM Analysis (2030 peak hour) as the basis of data and trip distribution for the project site. The project TOA updated the 2012 peak hour analysis to include development from the proposed project and adjacent sites. The traffic analysis performed an HCM (Highway Capacity Manual) traffic simulation for the nine identified intersections and/or driveways. All of these modelled intersections would operate at level of service D or better. Based on this finding, no further project-specific improvements would be necessary.

The TOA also used the HCM traffic simulation to analyze vehicle queuing for turn lanes at the study locations. At Centre Pointe Drive and Great Mall Parkway, the northbound left-turn queue would extend beyond the left-turn pocket length. However, the queue would not extend back to Market Street and would not obstruct any left-turn movements within this segment of Centre Pointe Drive. The queue analysis shows that the proposed lane configuration at other study intersections could accommodate the expected queue. The proposed project would not require any modifications beyond those proposed by the project to accommodate vehicle queues.

Site Circulation and Access

The project proposes two new access driveways for Lot 3/Centre Pointe Site A. One driveway is proposed as right-turns-in only off of Great Mall Parkway and the second driveway is a right in/out off of Centre Pointe Drive. The project includes a right-turn lane for the Great Mall Parkway access driveway. The project would prohibit left turns into or out of the Centre Pointe Driveway.

The project proposes to modify access to Lot 2 off of McCandless Drive, south of Market Street. This modification would separate the Lot 2 access from the Lot 1 access across McCandless Street at Market Street. The project would also modify Market Street to provide two-way traffic to facilitate circulation and access in the vicinity of The District.

Pedestrian, Bicycle, and Transit Facilities

As indicated in the TASP FEIR, the current sidewalk network within the TASP Area is deficient and will not meet future demand generated by new and higher density land uses. The TASP includes: (1) sidewalks on both sides of all existing and proposed streets in its area, (2) pedestrian links between various uses such as connections to open space, and (3) a multi-use path along Penitencia Creek.

The TASP also included two pedestrian bridges; one would be adjacent to the project site over Montague Expressway at Penitencia Creek. The TASP would also separate sidewalks on high speed streets from traffic by a landscaped buffer.

Bicycle circulation was shown as lacking on Trade Zone Boulevard which is not within the project area. Based on measures included as part of the TASP, bicycle circulation would be improved.

Development due to the TASP would generate additional transit trips that existing and planned bus, light rail, and BART transit lines would be able to accommodate. Impacts from development of The District were also analyzed for the TASP analysis. The proposed project would not cause any additional or more severe impacts to sidewalks, bicycle circulation, or transit services than were identified in the TASP FEIR.

TASP Policies

- *Policy 3.12: Preserve adequate right-of-way along Capitol Avenue, Great Mall Parkway, and Montague Expressway to accommodate funded future regional roadway improvements including an urban interchange at Montague Expressway/Great Mall Parkway and the future widening of Montague Expressway to eight lanes as required with development of the Transit Area Plan.*
- *Policy 3.15: Review individual development applications to ensure that adequate street right-of- way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5.*
- *Policy 3.28: See this policy in Section VII, Greenhouse Gas Emissions.*
- *Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.*
- *Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements. Individual developments within the Transit Area are required to prepare a traffic impact analysis to identify their fair share contribution toward the impacts and mitigation measures covered by the fee.*
- *Policy 6.33: The City shall establish and assess a transportation impact fee program, known as the Transit Area Plan Traffic Fee, to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.*

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The TASP FEIR adequately evaluated the transportation impacts of The District project. The proposed project would be required to comply with TASP policies related to transportation including the traffic impact fees and City of Milpitas 2008 CFD (TASP Area) tax rates.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

DISCUSSSION:

Wastewater Treatment Requirements

As the TASP FEIR describes, the City's Main Pump Station has a wet weather capacity between 42 and 45 million gallons per day (mgd) and the City does not expect buildout of the TASP, including the project site, to cause the City's overall wet weather flow to exceed this capacity (TASP Impact 3.11-3).[12] The City plans to make improvements to the Main Sewage Pump Station, not as a result of the buildout of the TASP, but as a result of overdue maintenance and seismic deficiencies. The TASP FEIR determined that the buildout of the TASP would result in an increase in wastewater flow and several new improvement projects to sewer pipelines would be required.

The TASP FEIR also determined buildout of the TASP would create sewer flows that when combined with other cumulative growth and development within the City would exceed the City's contracted capacity at the Water Pollution Control Plant. However, because the proposed project is smaller than what was evaluated in the TASP FEIR, it would not result in any new or more severe impacts related to wastewater capacity and infrastructure than those previously analyzed.

Stormwater Drainage Facilities

The TASP would require the development of new storm drainage infrastructure as outlined in the 2001 Storm Drain Master Plan.[13] No additional improvements were found to be needed beyond those identified in the 2001 Storm Drain Master Plan. The potential impacts associated with storm drainage facilities from the proposed project would not be greater or more severe than those identified in the TASP FEIR.

Water Supply

The TASP FEIR determined that the buildout of the TASP, including the project site, would increase water demand at buildout by 1.1 mgd. The buildout of the TASP would exceed capacity of the existing turnout delivering water from the SCVWD system during the peak hour demand period. This increase in demand would require improvements to the existing water infrastructure both within the TASP Area and affected pressure zones.

TASP Policy 6.22 would ensure that less-than-significant impacts associated with water supply would occur. The TASP FEIR concluded that this water demand will be adequately served by water supplies from current sources in addition to offsets by the supplies available from the SCVWD, the ability to run emergency wells, and an increased use of recycled water. The TASP provides policies which require the use of recycled water.

[12] Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

[13] Milpitas, City of, 2001. *Storm Drain Master Plan.* July.

The proposed project would conform to TASP policies that would reduce the impact to a less-than-significant level and would not result in greater growth on the project site than anticipated by the TASP FEIR. Impacts of the proposed project would not result in any greater impacts than those identified by the TASP FEIR.

Solid Waste

Buildout of the TASP Area would result in an increase in the amount of solid waste due mainly to the increase in residential uses. The TASP FEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving the TASP Area, including the project site, for at least 30 more years. The proposed project would conform to TASP policies and would not result in any new or more severe impacts beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 6.8: Construct the improvements to the wastewater collection system within the TASP Area that were identified in the 2007 Sewer Master Plan Update.*
- *Policy 6.13: Provide water supply for the Specific Plan area from the Santa Clara Valley Water District.*
- *Policy 6.18: Construct recycled water mains along Great Mall Parkway, Capitol Avenues, Montague Expressway, Sango Court and into the Piper/Montague subdistrict as shown in Figure 6-3 of the TASP.*
- *Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.*
- *Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.*
- *Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development within the TASP Area.*
- *Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.*

XVIII. PREPARERS AND REFERENCES

PREPARERS

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Sally Maxwell, AICP, Associate/Project Manager
Amy Fischer, Principal, Air Quality and Noise Specialist
Corissa Bellis, Air Quality and Noise Specialist
Nicole Catalano, Planner
Patty Linder, Graphics and Production
Charis Hanshaw, Word Processor

REFERENCES

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Bay Area Air Quality Management District, 2015. *Updated CEQA Guidelines*. Website: www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx (accessed May 20, 2015).

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Milpitas, City of, 2001. *Storm Drain Master Plan.* July.

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Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised) Memorandum*. September 10.

Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units Memorandum*. October 13.

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ATTACHMENT D

Appendix C: Development Checklist

DEVELOPMENT CHECKLIST

The following checklist has been developed to assist project applicants and City staff to determine whether a proposed project complies with the Climate Action Plan.

If the proposed project's expected GHG emissions were not considered in the GHG emissions 2020 and 2035 forecast included in **Appendix A** of the CAP, this checklist is provided for informational use but may not preclude preparation of separate GHG analysis for the project. Examples of projects that may not be incorporated into the City's forecast include stationary source emissions regulated by the Bay Area Air Quality Management District, General Plan amendments, new specific plans that exceed the City's proposed population and job growth forecasts, and GHG emissions used in specific manufacturing processes that are not easily tracked at a community-wide level.

PROJECT DESCRIPTION/CHARACTERISTICS

Please identify the applicable land uses included in the proposed project and provide a brief description of the proposed project (or the project description to be used for the associated environmental document).

Identify the applicable land uses:

☒ Residential ☒ Commercial ☐ Industrial ☐ Manufacturing ☒ Other

Project Description:

The proposed project is located on an approximately 27-acre site is located in the southwestern portion of the City of Milpitas. The irregularly-shaped project area is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad alignment to the west. The project site encompasses the following addresses: 1463, 1515, 1557 and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive.

The project consists of the demolition of all existing structures and associated pavements on the site and grading and construction of 1,169 residential units, 83,842 square feet of ground floor retail, one hotel with 175 rooms, and associated landscaping and parking.

The project is located within the Transit Area Specific Plan (TASP) area.

ATTACHMENT D

Appendix C: Development Checklist

Amendments Requested

Does the project require an amendment to any of the following planning documents?

General Plan:	☒ Yes ☐ No ☐ Not Sure
Midtown Specific Plan:	☐ Yes ☒ No ☐ Not Sure
Transit Area Specific Plan:	☒ Yes ☐ No ☐ Not Sure

GHG Emissions Incorporated Within City GHG Forecast

Was this project, and its potential GHG emissions sources, considered in the City's GHG inventory and forecast?

☐ Yes ☐ No ☒ To be determined by staff

Project Sources of GHG Emissions Considered in City Inventory

Identify the activities and sources of GHG emissions anticipated by the proposed project during either the construction or operational phases of the project.

Potential GHG Emissions Sources:		
☒ Electricity Use	☒ Res./Comm./Ind. Waste	☒ Gasoline or Diesel Use
☒ Natural Gas Use	☒ Wastewater Disposal	☒ Transportation (On-Road)
☒ Const. & Demolition Waste	☒ Water Use	☒ Off-Road Equipment
☐ Other _____		

Applicable Measures/Compliance

Identify in the checklist below the applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's Climate Action Plan.

ATTACHMENT D

Appendix C: Development Checklist

Required Measures

This list includes measures and actions included in the CAP that are (1) required to be included in the project design and implementation and(2) currently being implemented by the City. By following these two conditions and meeting the requirements identified below, the project demonstrates consistency with the CAP. As the City implements additional CAP measures, they will be added to this list.

Measure	Action	Applicability	Compliance*
Waste reduction			☒ Yes ☐ No ☐ N/A
New multi-family development			☒ Yes ☐ No ☐ N/A
Bikeways master plan			☒ Yes ☐ No ☐ N/A
Municipal solar power purchase agreement			☐ Yes ☐ No ☒ N/A
Water conservation			☒ Yes ☐ No ☐ N/A
Recycled water			☒ Yes ☐ No ☐ N/A
Green building			☒ Yes ☐ No ☐ N/A

** All measures that are considered applicable on this list are required to be implemented in order to demonstrate consistency with the CAP.*

Recommended Measures

This list includes measures and actions identified in the CAP, or programs and regulations that have yet to be adopted by the City, which would apply to a project of this type. These measures should be included in the project design as feasible and, once implemented or adopted by the City, be included in the list of required measures above.

ATTACHMENT D

Appendix C: Development Checklist

Measure	Action	Applicability	Compliance*
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A

** All measures considered applicable on this list should be considered for implementation in order to demonstrate consistency with the CAP.*

Other GHG Reduction Measures Implemented

List and describe any additional measures that this project will incorporate to reduce GHG emissions that are not included in the CAP. If available, provide the estimated GHG reductions that would occur on an annual basis from implementing the measure, in $MTCO_2e$.

Additional Measure	Estimated Annual GHG Reductions ($MTCO_2e$)
Project is located across the street from a VTA light rail station and the new Milpitas BART station. The project's location will reduce vehicle miles travelled for the project's residents	TBD

THE DISTRICT AT MILPITAS - BUILDING 2

FLOOR AREA RATIO

FLOOR AREA RATIO CALCULATIONS		
LOT AREA	**2.55 AC**	**111603 SF**
BUILDING AREA		
RESIDENTIAL GROSS		257010 **SF**

F.A.R. = RESIDENTIAL GROSS (257010 SF) / LOT AREA (111603 SF)

= 2.03 FAR

BUILDING 2 GROSS AREA		
TYPE	**AREA**	
RESIDENTIAL (GROSS)	257010	
RETAIL (GROSS)	3480	
REC DECK	13649	
EXTERIOR COURTYARDS	3085	
GARAGE (GROSS)	140051	
TOTAL AREA	**417275**	**GSF**

BUILDING/UNIT

UNIT COUNT TABULATION					
FLOOR	**TYPE**				**TOTAL BY FLOOR**
	STUDIO	**1BR**	**2BR**	**3BR**	
GROUND	5	21	12	1	39
2ND	3	25	14	2	44
3RD	3	25	15	2	45
4TH	3	25	15	2	45
5TH	3	25	15	2	45
TOTAL	17	121	71	9	**218**
PERCENTAGE	7.8%	55.5%	32.6%	4.1%	

DWELLING UNIT INFORMATION						
UNIT	**UNIT RSF**	**Qty.**	**%**	**TYPE**	**TOTAL RSF***	
S1	564	17	7.3	Studio	9588	
A1	711	40	18.3	1bd/1ba	28440	
A2	734	81	19.3	1bd/1ba	59454	
B2	1059	63	34.8	2bd/2ba	66717	
B3	1186	5	3.6	2bd/2ba	5930	
B3A	1312	3	0.9	2bd/2ba	3936	
C1	1369	9	2.2	3bd/2ba	12321	
TOTAL		218	86.4		**186386**	**NET RSF**

PARKING

PARKING TABULATION		
LEVEL	**CURRENT**	
SURFACE		
GROUND	54	
2ND	58	
3RD	58	
4TH	58	
5TH	58	
6TH	58	
7TH	None	
TOTAL	**344**	provided

REQUIRED PARKING (Per Milpitas Transit Area Specific Plan)						
Residdential Uses		**Miniumum Rquired**		**Maximum Allowed**		**Total Provided**
Type of Units	**Number of Units**					
STUDIO	17	13.6		17		
1BR	121	145.2		182		
2BR	71	113.6		142		
3BR	9	14.4		18		
GUEST	15%	43		54		
RETAIL	3480 SF	0.8 per	9	1.0 per	11	
Bicycle Substitution				N/A	N/A	**7**
TOTAL		339		423		**351**

REQUIRED BICYCLE PARKING (Per Milpitas Transit Area Specific Plan)			
1 Space per 4 Units (Long Term) + 5% of Automobile Spaces Required (Short Term)			
# Units	Required Bicycle Spaces	# Parking Spaces	Required Bicycle Spaces
218	54.5	339	17.0
TOTAL BICYCLE SPACES REQUIRED			72
Bicycle Parking Substituion for Automobile Parking Spaces (Per Milpitas Municiple Code)			
# Bicycle Spaces	Rate of Sutitution	Parking Space Equivalent	
55	1 Parking Space per 8 bicylces	**7**	

SHEET INDEX

2-A0	BUILDING DATA
2-A0.1	AERIAL VIEW
2-A1	VICINITY MAP
2-A2	SITE PLAN
2-A3	FIRST AND SECOND FLOOR PLANS
2-A4	THIRD FLOOR AND ROOF PLANS
2-A5	REC DECK PLAN
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2-A7	BUILDING ELEVATIONS
2-A8	ENLARGED ELAVATIONS
2-A8 .1	MATERIALS AND COLORS
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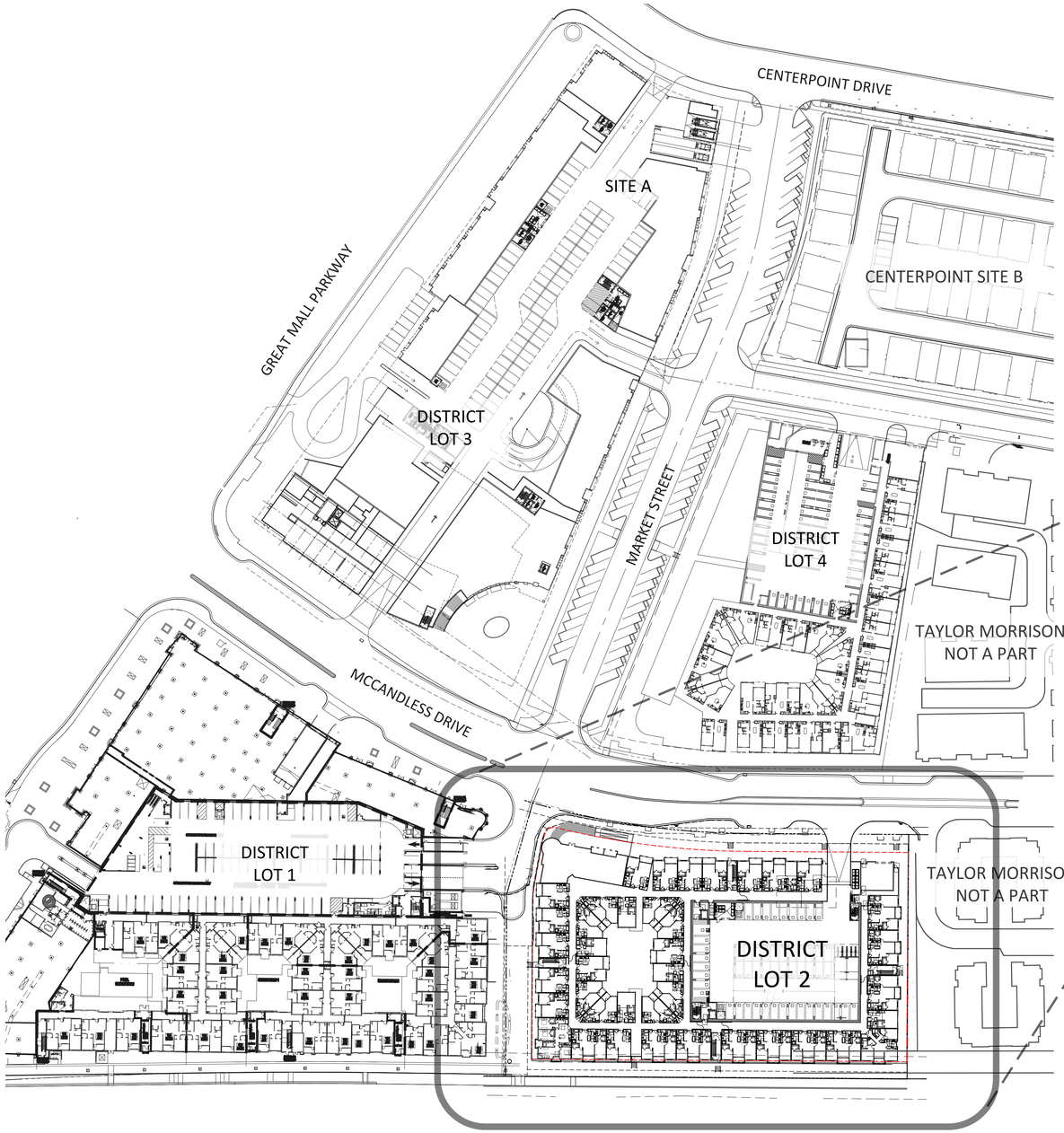
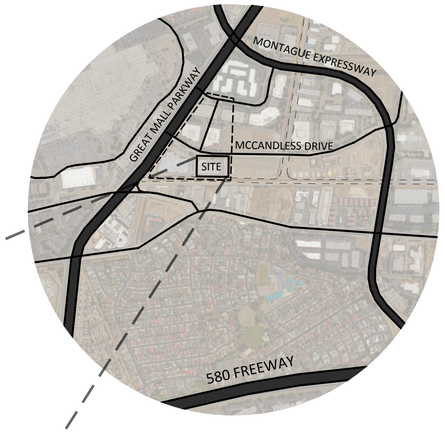
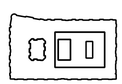
2-A10	RENDERING (TO BE ISSUED)
2-A10 .1	3D VIEWS
2-A11	ENLARGED BLDG SECTIONS
2-A12	TRASH MANAGEMENT PLAN
2-A13	FIRE DEPARTMENT PLAN AND NOTES
2-A14	SHADOW STUDY





VICINITY MAP



N

0' 25' 50' 100'

SCALE: 1:50'

DISTRICT 1 - LOT 4

MARKET STREET

PROPERTY LINE

FIRE HYDRANT

CURB LINE

McCANDLESS DRIVE

RELOCATED FIRE HYDRANT

EASEMENT LINE

SETBACK LINE

4' RETAINING WALL

SOLID WASTE VEHICLE PARKING

DISABLED ACCESS PATH OF TRAVEL

DEPRESSED CURB & GUTTER

GARAGE ENTRANCE

TRASH STAGING ROOM

STORMWATER TREATMENT AREA

B LEASING OFFICE 3480 SF

R-2 LOBBY

TRANSFORMER ROOM

WALKWAY

CANAL STREET - PRIVATE

RESIDENTIAL TRASH ROOM +0.00

TYPE I-A - S-2 PARKING GARAGE +0.00
344 SPACES

54 STALLS (2 HC)

55 BIKES

+0.00 DISABLED ACCESS PATH OF TRAVEL

TYPE III-A - R-2 APARTMENT BUILDING 218 UNITS

BUILDING 1

4.5' RETAINING WALL

EX BIOSWALE

EX STORMWATER TREATMENT AREA

EX GRASSCRETE

DISTRICT 2 TAYLOR MORRISON

10' MULTI-USE TRAIL

STORM WATER TREATMENT AREA

EVA EASEMENT (GRASSCRETE OR LANDSCAPE SURFACE ACCEPTABLE FOR FIRE VIECHLE LOADS)

PENITENCIA CREEK

TOP OF SLOPE

423'-11 3/4"

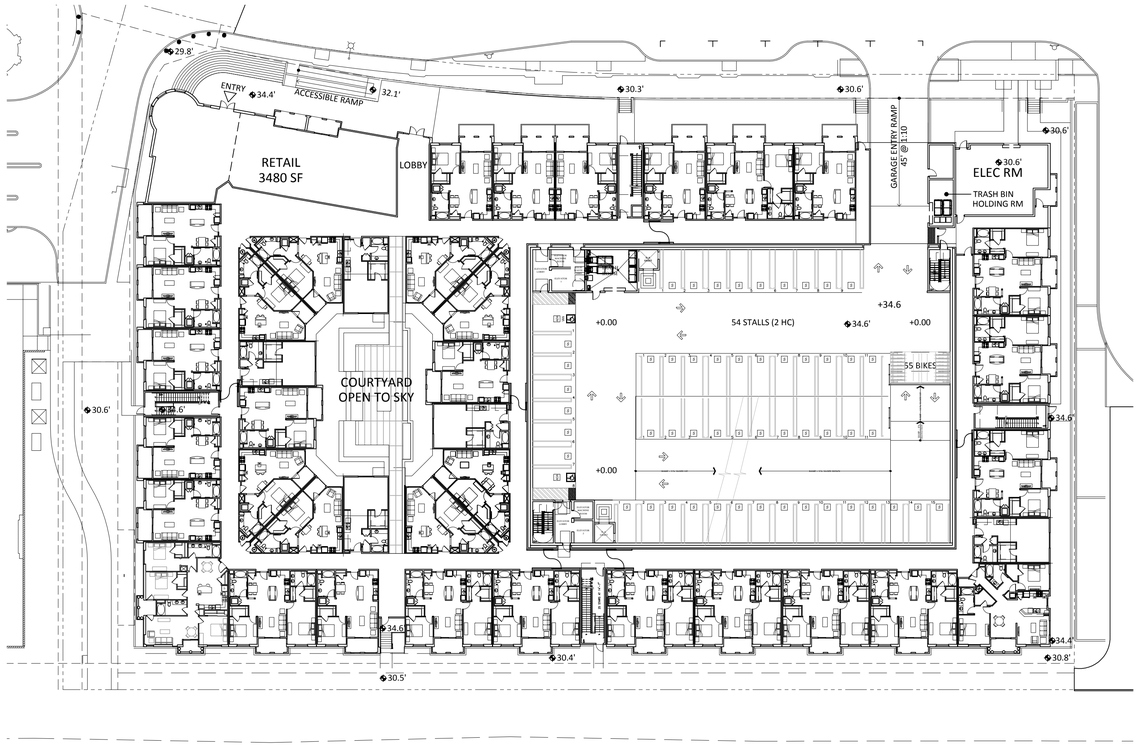
NOTES:

1. ALL DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN. MINIMUM BUILDING SETBACKS SHALL BE PER THE SETBACK TABLES APPROVED WITH THIS PROJECT.
2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.
3. (A) SYMBOL INDICATES POSSIBLE PUBLIC ART LOCATIONS.

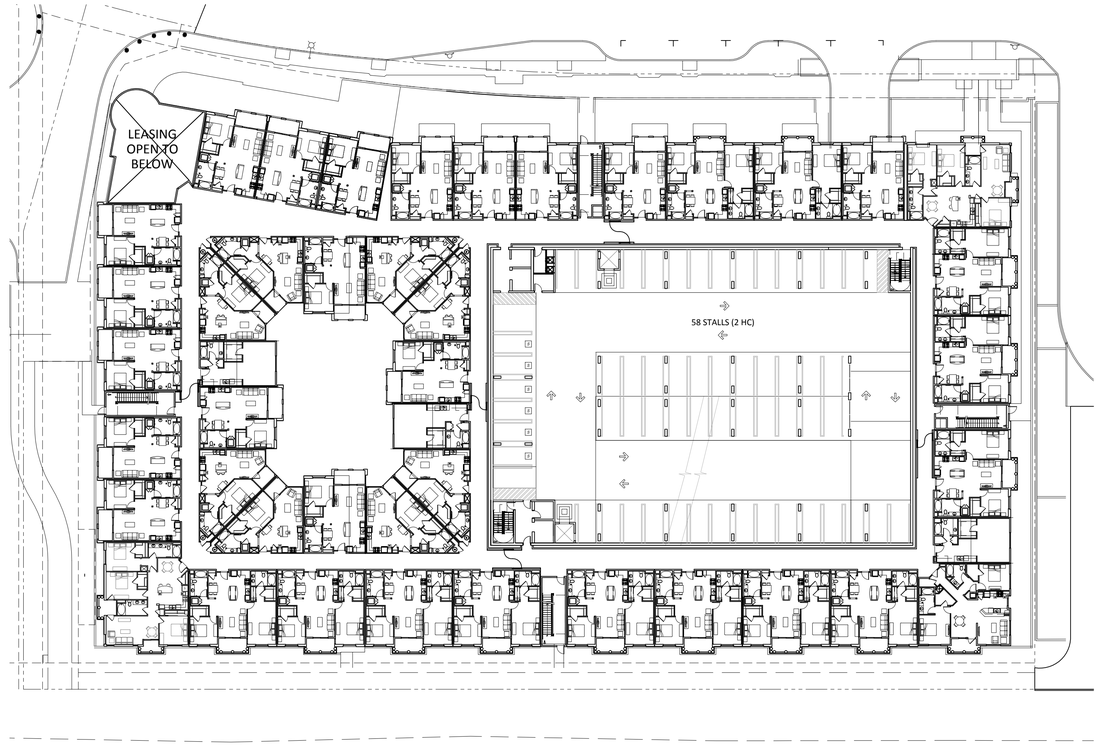
N

0' 5' 10' 20' 30' 40'

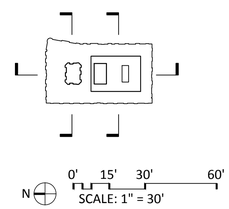
SCALE : 1' = 20'

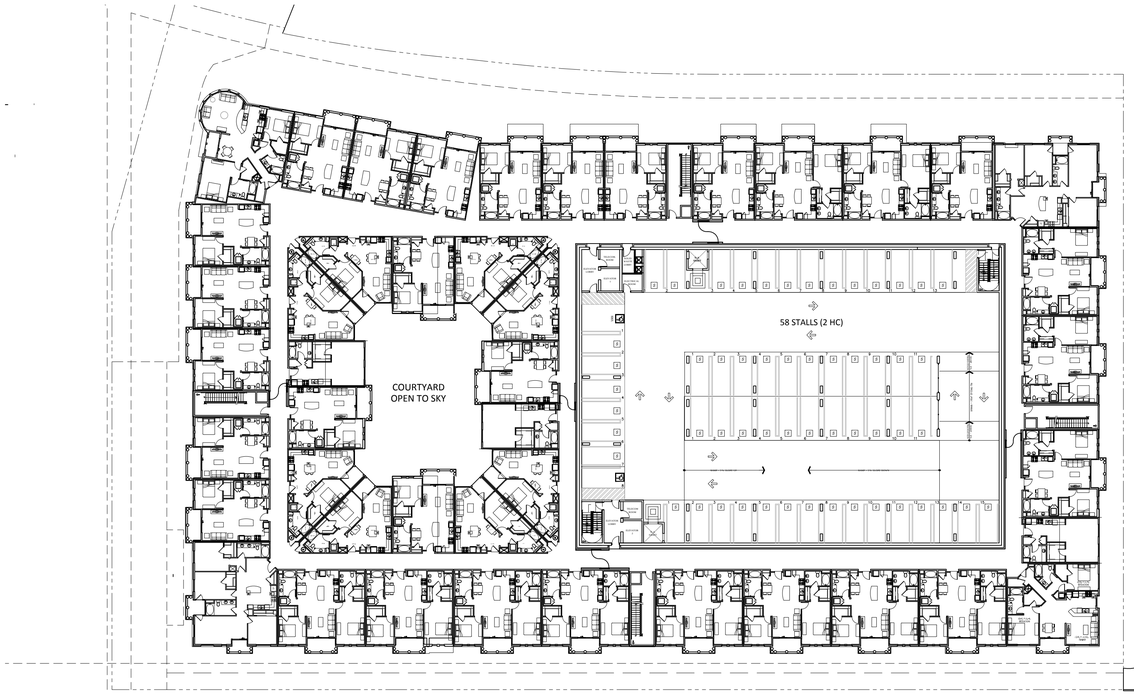


FIRST FLOOR PLAN

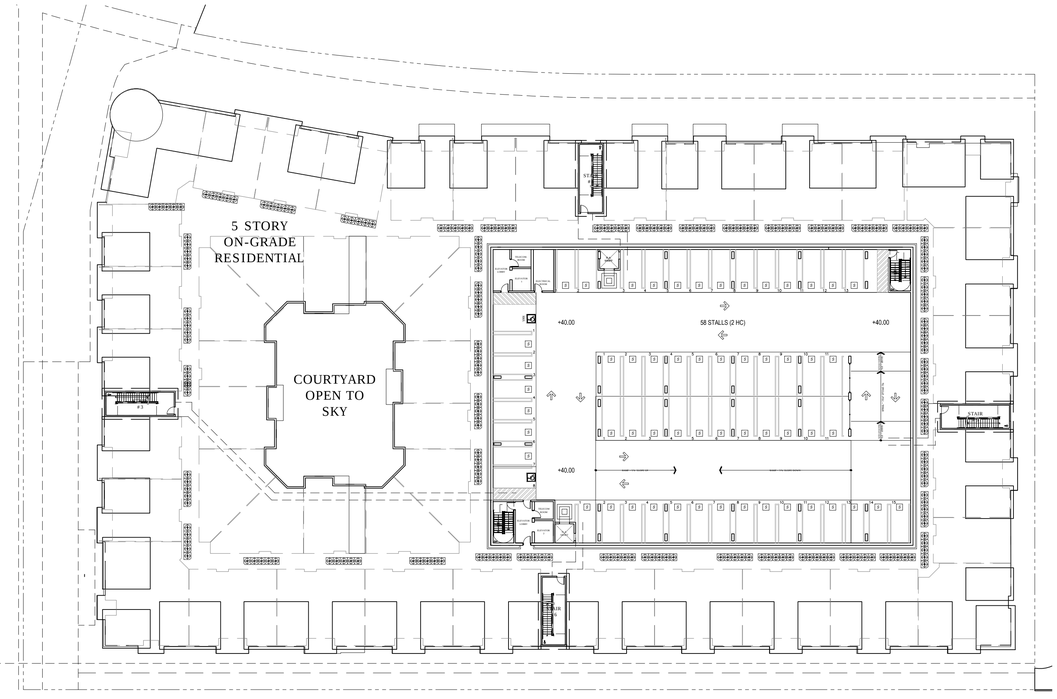


SECOND FLOOR PLAN

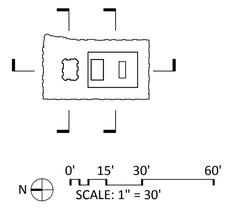




THIRD TO FIFTH FLOOR PLAN



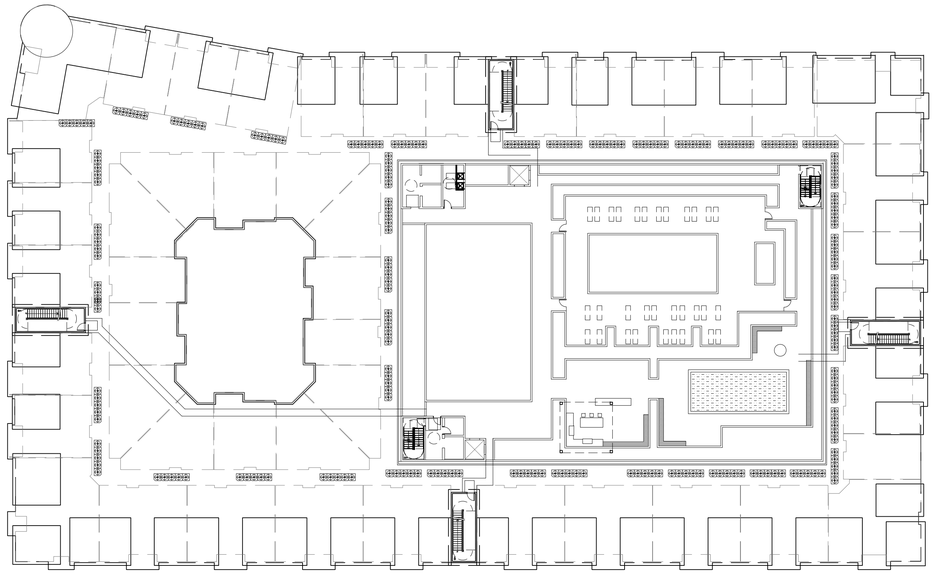
6TH FLOOR PARKING / ROOF PLAN



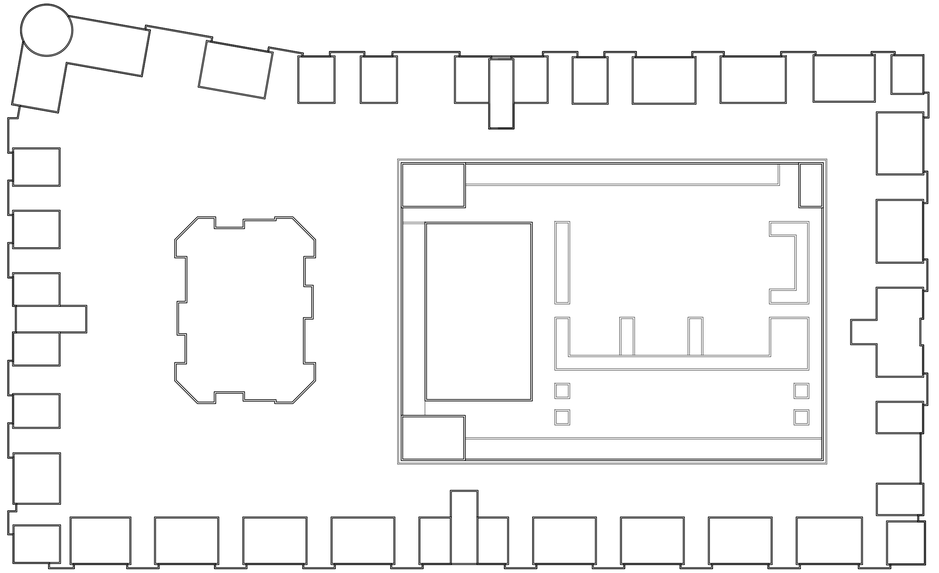
N

0' 15' 30' 60'

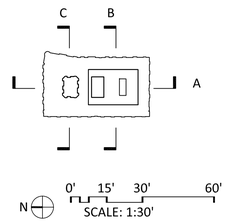
SCALE: 1" = 30'

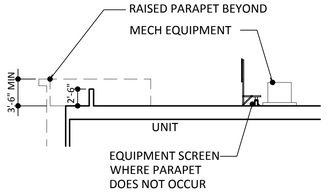


RECK DECK LEVEL PLAN



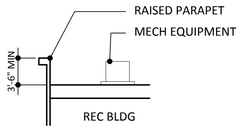
RECK DECK ROOF PLAN





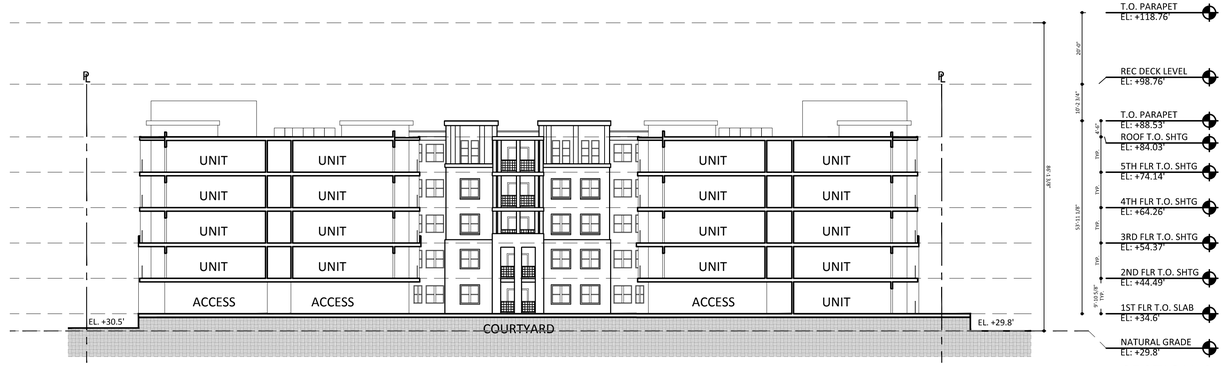
ROOF SECTION - EQUIPMENT SCREEN OVER RESIDENTIAL

NTS

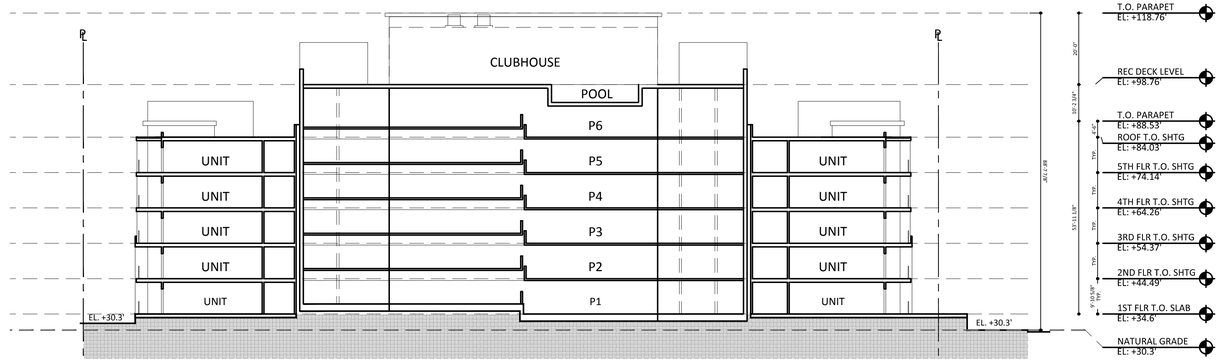


ROOF SECTION - EQUIPMENT SCREEN AT REC BUILDING

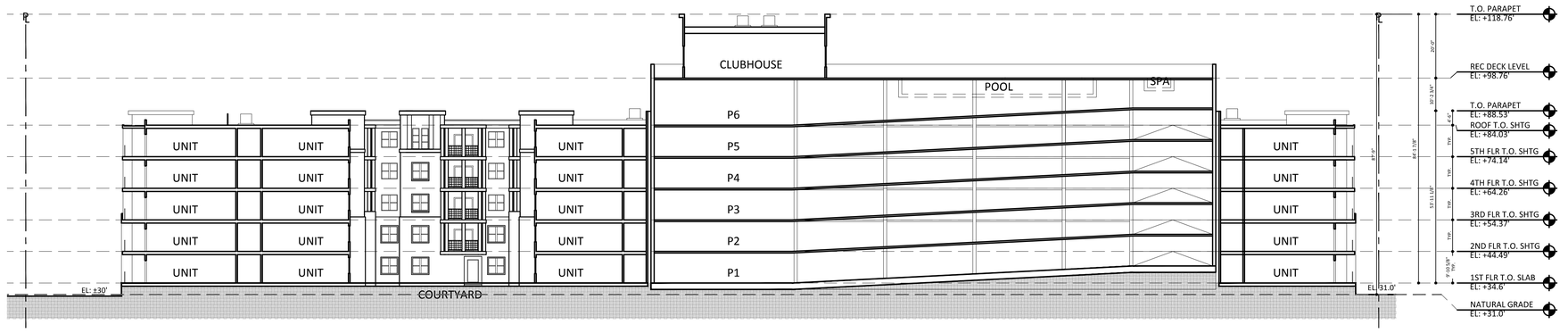
NTS



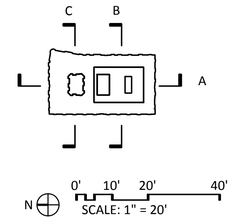
SECTION C



SECTION B



SECTION A

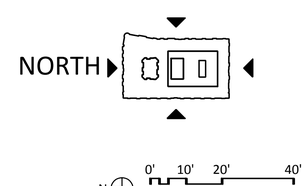


NORTH ELEVATION

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION



DISTRICT MILPITAS - LOT2

COE ARCHITECTURE INTERNATIONAL

LYON

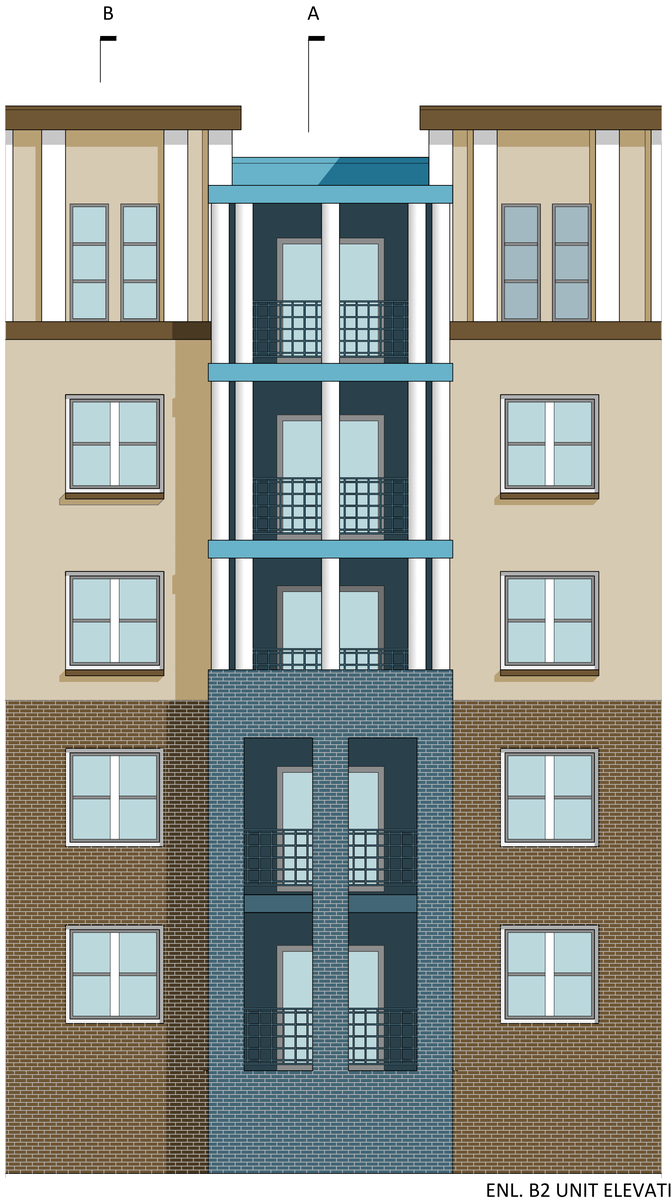
2-A7 BUILDING ELEVATIONS

October 5, 2015

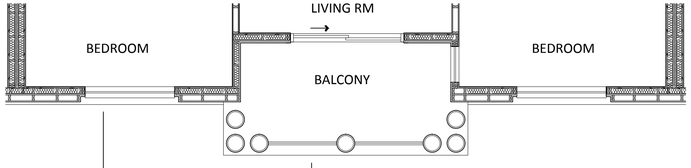
3D PARTIAL ELEVATION

MATERIALS LEGEND

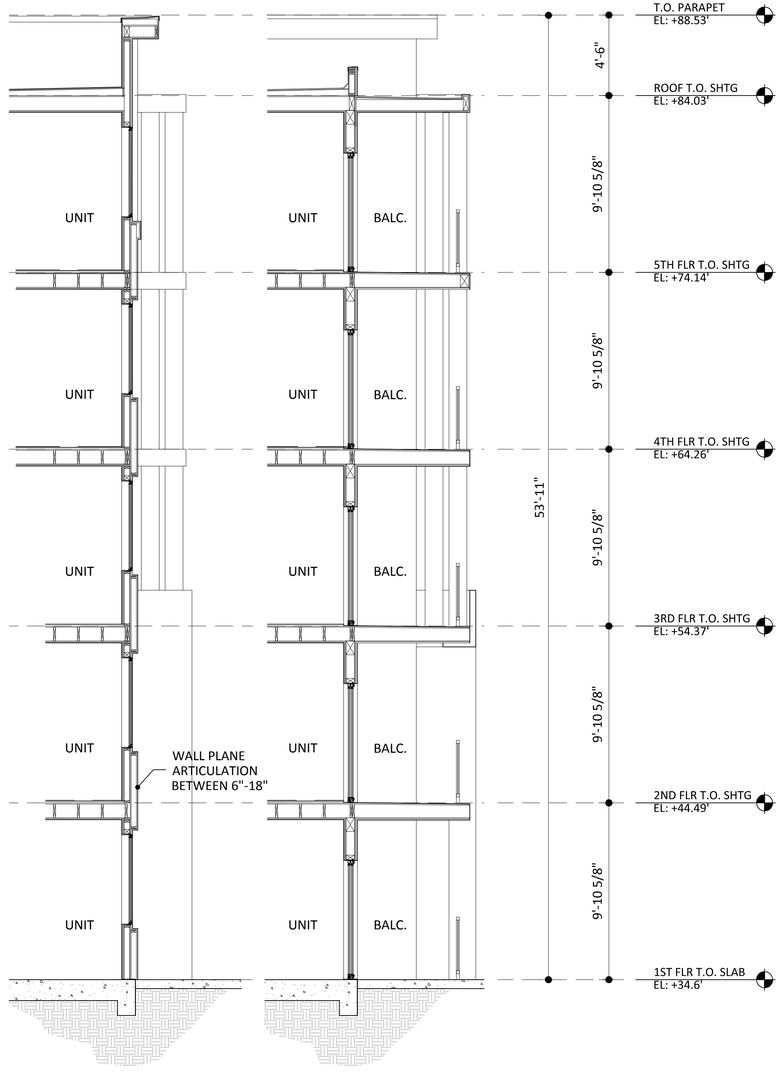
1. PAINTED PLASTER, COLORS A, B, C BY DUNN EDWARDS
2. FOAM TRIM WITH PLASTER FINISH, COLORS A, B
3. PAINTED FRP COLUMNS, COLORS A, B
4. PAINTED METAL TRIM, COLORS A, B
5. PAINTED STEEL GUARDRAIL
6. VINYL WINDOW
7. FACE BRICK, COLORS A, B



ENL. B2 UNIT ELEVATION



ENL. THIRD FLOOR PLAN



SECTION B

SECTION A

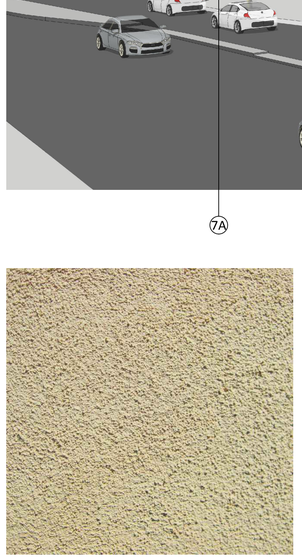
N

0' 1' 2' 4' 8'

SCALE: 1/4"=1'-0"

MATERIALS LEGEND

1. PAINTED PLASTER, COLORS A, B, C BY DUNN EDWARDS
2. FOAM TRIM WITH PLASTER FINISH, COLORS A, B
3. PAINTED FRP COLUMNS, COLORS A, B
4. PAINTED METAL TRIM, COLORS A, B
5. PAINTED STEEL GUARDRAIL
6. VINYL WINDOW
7. FACE BRICK, COLORS A, B



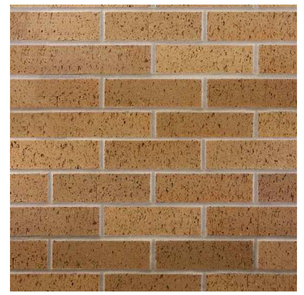
1A PAINTED PLASTER
20/30 SAND FINISH
TAN: DE6172

1B PAINTED PLASTER
20/30 SAND FINISH
DARK BLUE: DE5823

2A PAINTED PLASTER
SMOOTH FINISH
3A PAINTED FRP COLUMNS
4A PAINTED METAL
WHITE: DEW337

1C/2B PAINTED PLASTER
SMOOTH FINISH
DARK TAN: DE6104

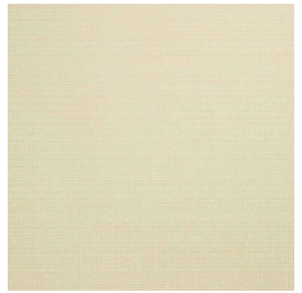
3B PAINTED PVC
4B PAINTED METAL
LIGHT BLUE: DE5850



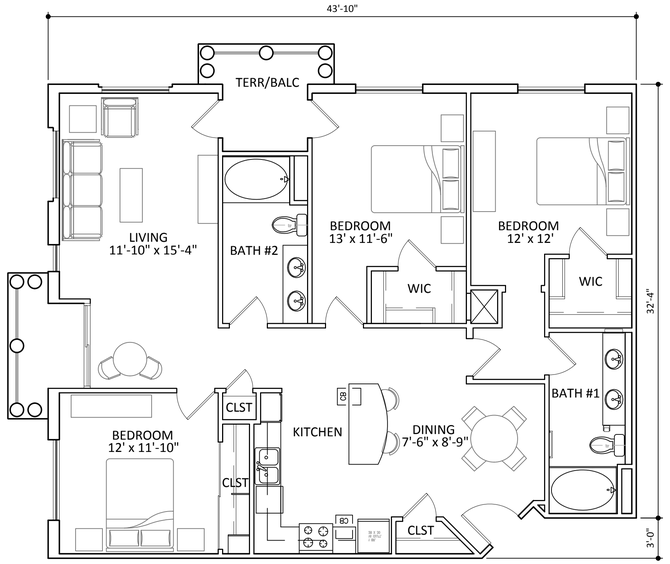
7A FACE BRICK
ENDICOTT:
COPPER CANYON SMOOTH

7B FACE BRICK
ENDICOTT:
MANGANESE IRONSPOT SMOOTH

5 PAINTED STEEL
DARK BLUE: DE5823

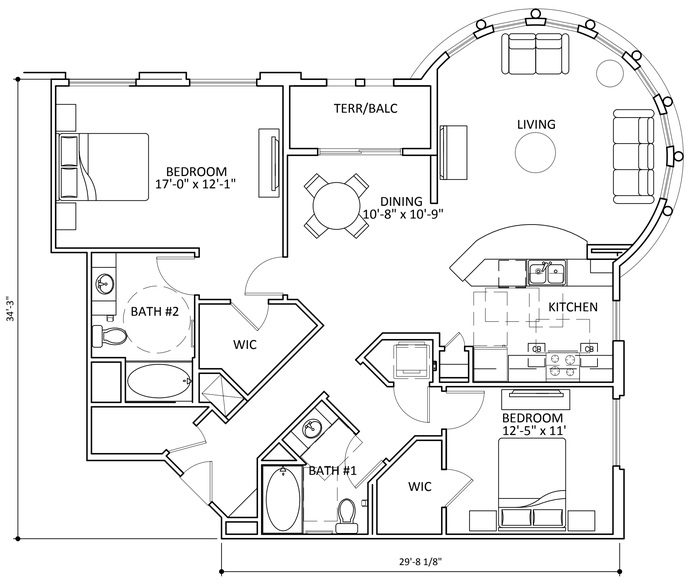


6 VINYL WINDOW FRAME



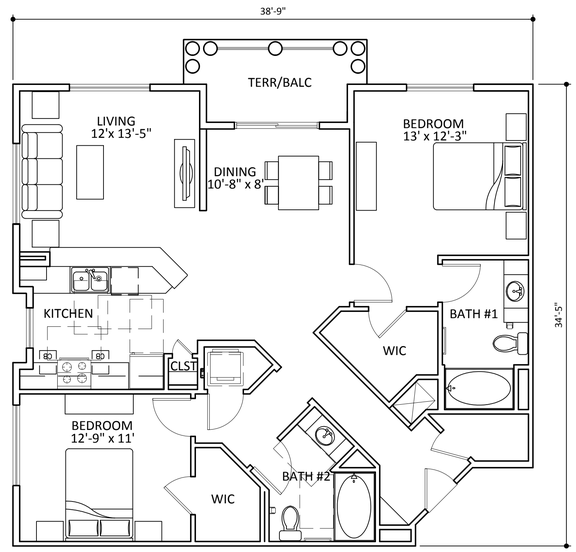
UNIT C1

3 BEDROOM - 2 BATH
LIVABLE AREA: 1369 RSF
BALCONY AREA: 111 RSF



UNIT B3A

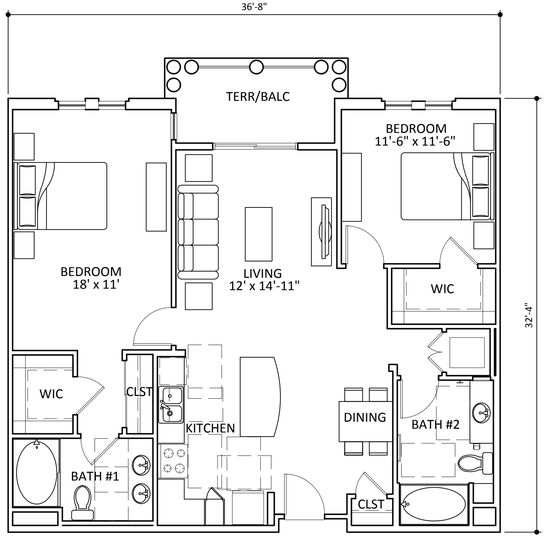
2 BEDROOM - 2 BATH
LIVABLE AREA: 1312 RSF
BALCONY AREA: 49



UNIT B3

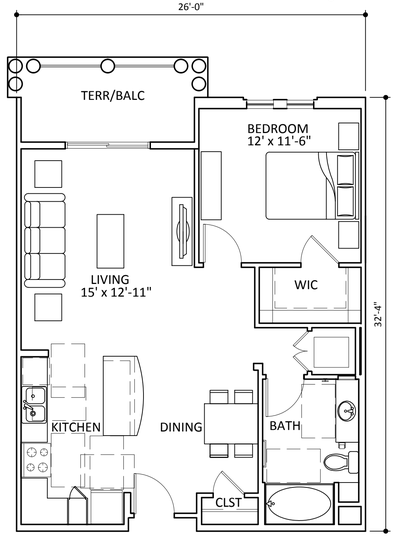
2 BEDROOM - 2 BATH
LIVABLE AREA: 1186 RSF
BALCONY AREA: 75 RSF

RSF



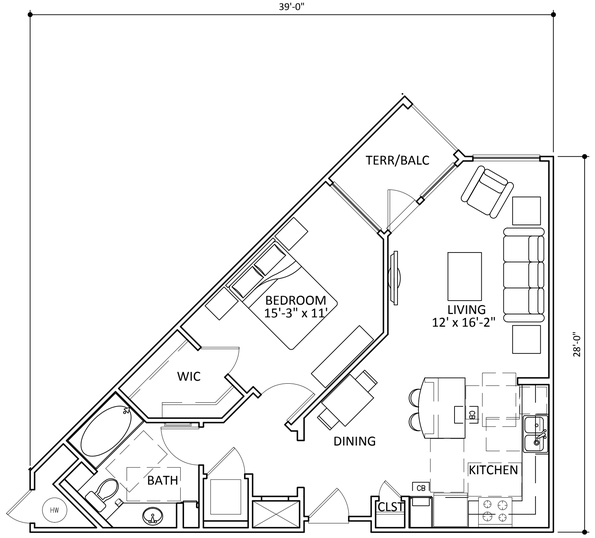
UNIT B2

2 BEDROOM - 2 BATH
LIVABLE AREA: 1059 RSF
BALCONY AREA: 80 RSF



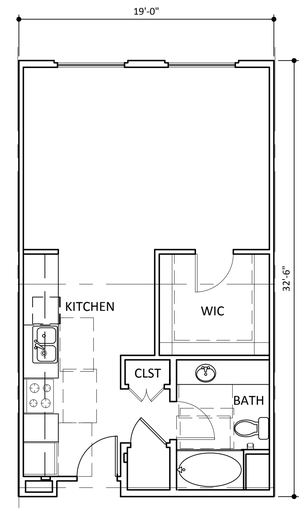
UNIT A2

1 BEDROOM - 1 BATH
LIVABLE AREA: 734 RSF
BALCONY AREA: 89 RSF



UNIT A1

1 BEDROOM - 1 BATH
LIVABLE AREA: 711 RSF
BALCONY AREA: 52 RSF



UNIT S1

STUDIO - 1 BATH
LIVABLE AREA: 564 RSF

0' 2'-8" 5'-4" 10'-8"
SCALE : 3/16"=1'-0"

1 AERIAL VIEW

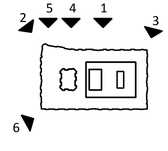
2 VIEW OF RETAIL CORNER

3 VIEW OF SOUTHEAST CORNER

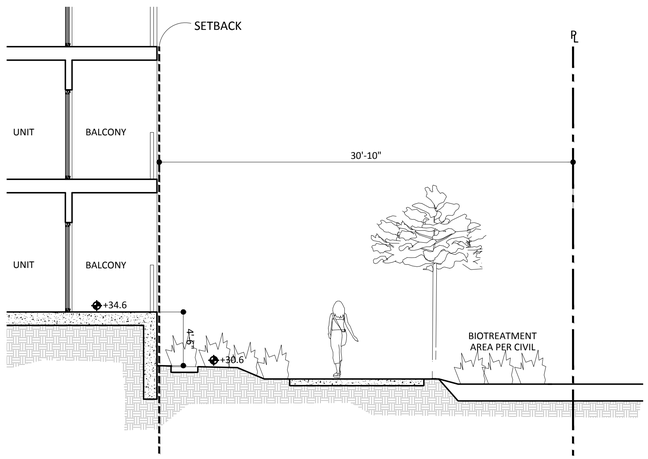
4 VIEW OF EAST ELEVATION

5 VIEW FROM EAST

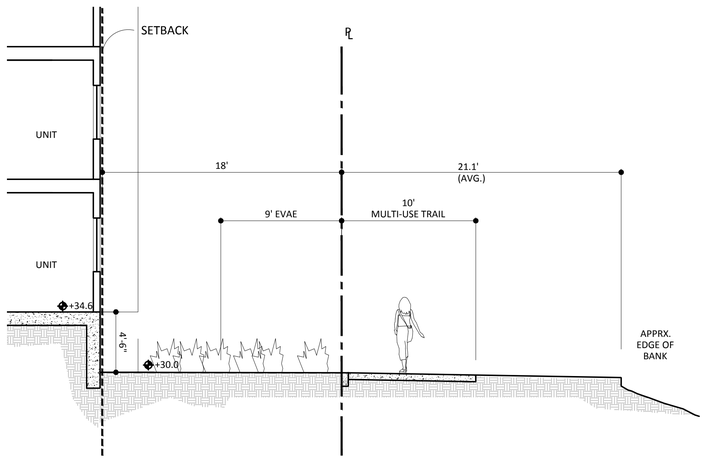
6 VIEW OF NORTH ELEVATION



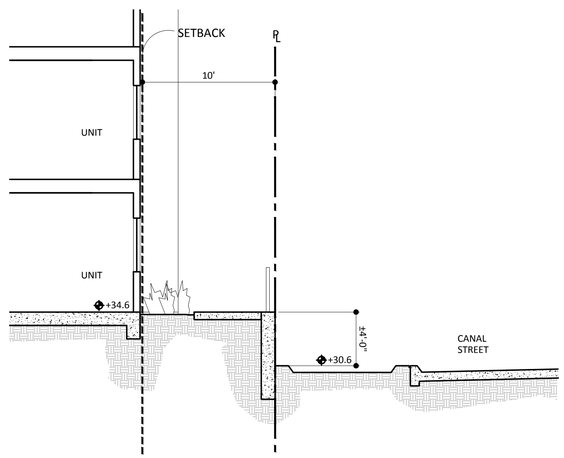
0' 7.5' 15' 30' 60'
SCALE : NTS



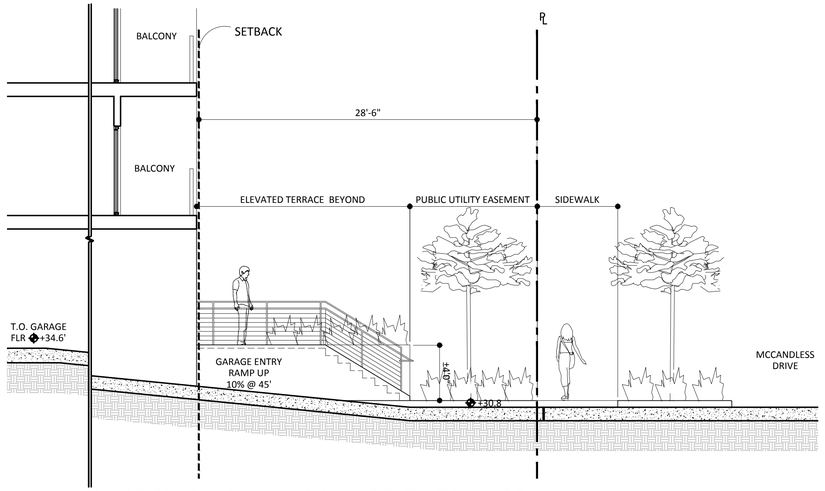
F. SECTION THRU AREA BETWEEN BLDG1 & BLDG2



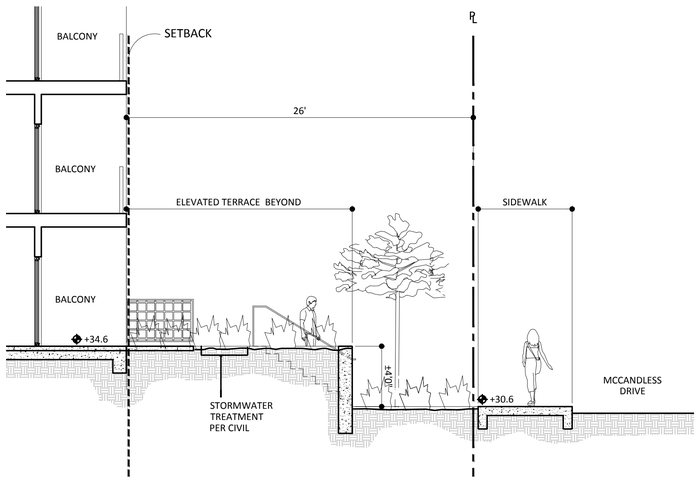
E. SECTION AT PENITENCIA CREEK



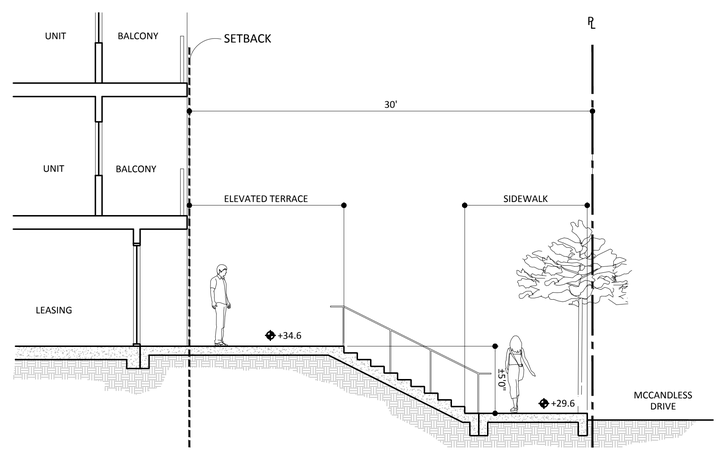
D. SECTION THRU CANAL STREET



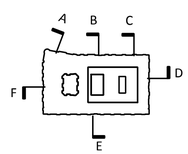
C. SECTION THRU GARAGE ENTRANCE



B. SECTION THRU TYP. BALCONY AT MCCANDLESS



A. SECTION THRU LEASING



NOTES:

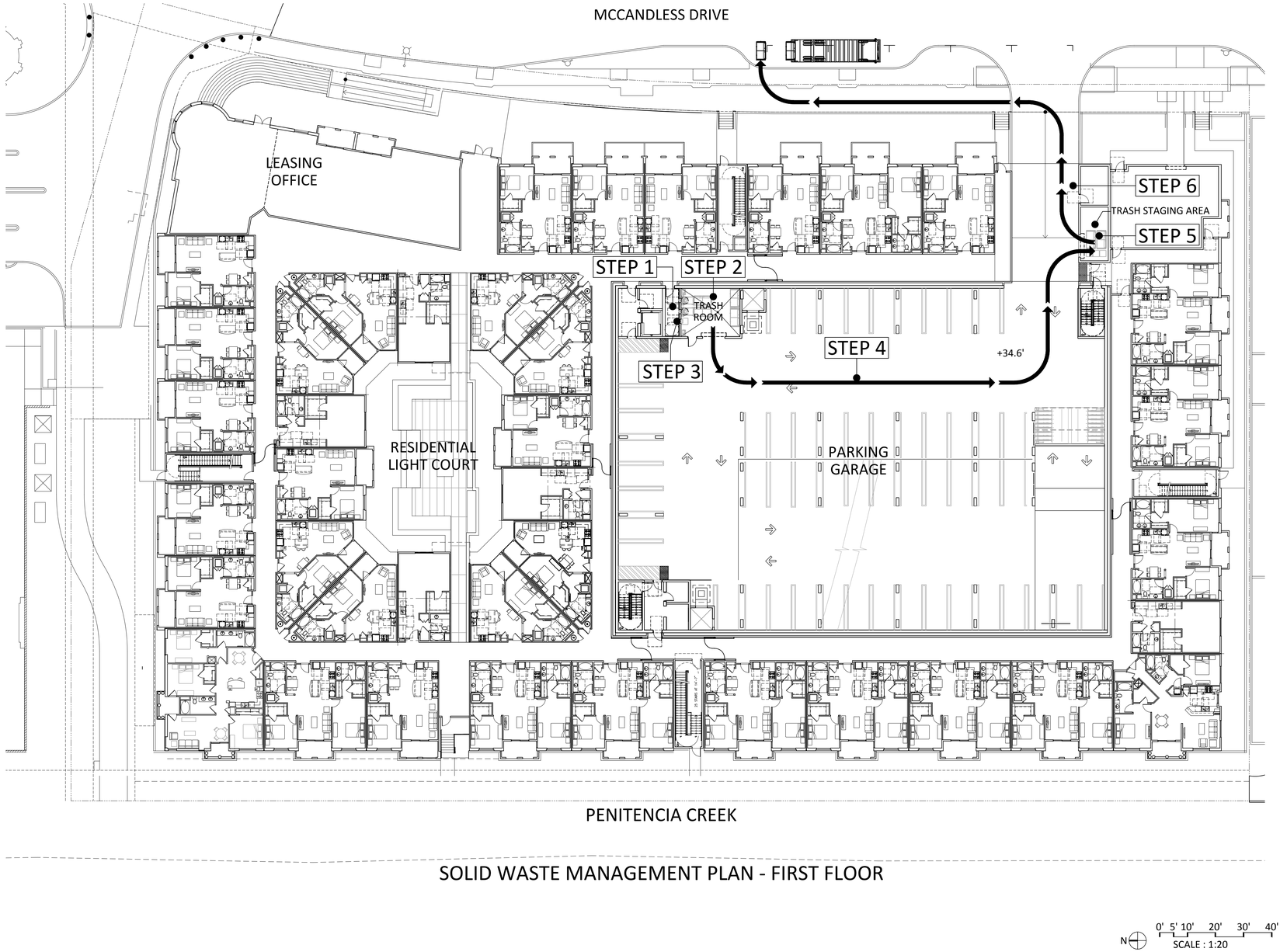
1. ALL DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN. MINIMUM BUIDING SETBACKS SHALL BE PER THE SETBACK TABLES APPROVED WITH THIS PROJECT.

2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.

N

0' 2'-8" 5'-4" 10'-8"

SCALE: 3/16"=1'-0"



SOLID WASTE MANAGEMENT PLAN - FIRST FLOOR

N

0' 5' 10' 20' 30' 40'

SCALE : 1:20

SOLID WASTE MANAGEMENT NOTES:

STEP 1: RESIDENTS ENTER SOLID WASTE LOBBIES LOCATED AT EACH FLOOR OF THE BUILDING TO DEPOSIT SOLID WASTE AND RECYCLABLES INTO 2 - 30" DIAMETER CHUTES VIA 15" X 15" SINGLE HINGE THRU WALL ACCESS DOORS.

STEP 2: SOLID WASTE AND RECYCLABLES DEPOSITED IN CHUTES ARE COLLECTED IN THE 1ST FLOOR TRASH ROOM COMPACTORS (LOCATED WITHIN THE GARAGE) AND DEPOSITED IN 2 CUBIC YARD TRASH CONTAINERS. A SMART TRASH SYSTEM WILL NOTIFY BUILDING MANAGEMENT WHEN TRASH BINS ARE FULL.

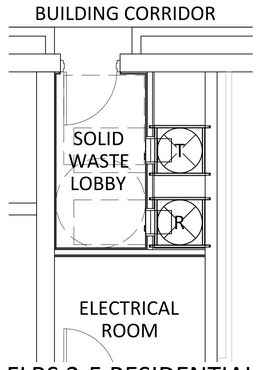
STEP 3: COMPOSTABLE WASTE IS DISPOSED OF IN GROUND FLOOR SOLID WASTE LOBBY VIA A 15" X 15" SINGLE HINGE THRU WALL ACCESS DOOR INTO TRASH ROOM. COMPOSTABLES ARE COLLECTED IN 64 GALLON "TOTER STYLE" CONTAINER CARTS.

STEP 4: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE CARTED FROM TRASH ROOM 1 TO TRASH ROOM 2 (WITHIN THE GARAGE & NEIGHBORING THE GARAGE ENTRANCE.)

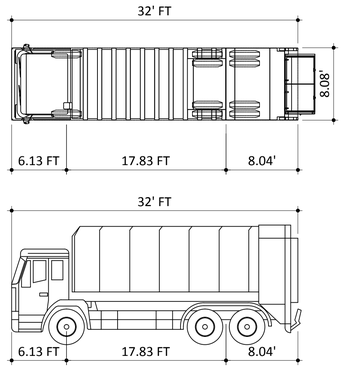
STEP 5: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE STORED IN THE TRASH STAGING AREA FOR PICK UP BY THE CITY'S FRANCHISE WASTE VENDOR, REPUBLIC SERVICES .

STEP 6: STORED SOLID WASTE HANDLING BINS AND CARTS ARE MOVED TO THE GARAGE ENTRANCE FOR COLLECTION BY AWAITING SOLID WASTE COLLECTION TRUCKS.

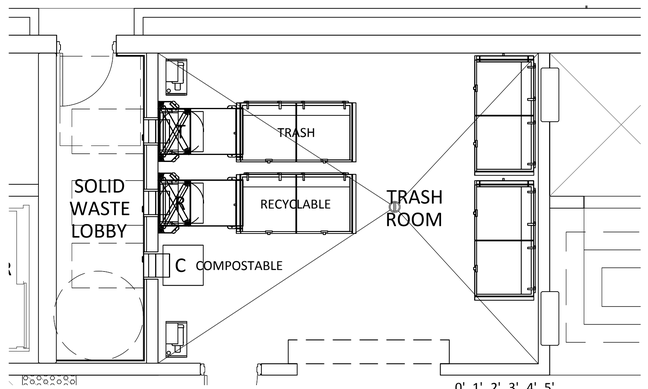
STEP 7: AFTER TRASH BINS ARE EMPTIED THEY ARE REPLACED IN TRASH ROOM 2 FOR STORAGE AND REUSE.



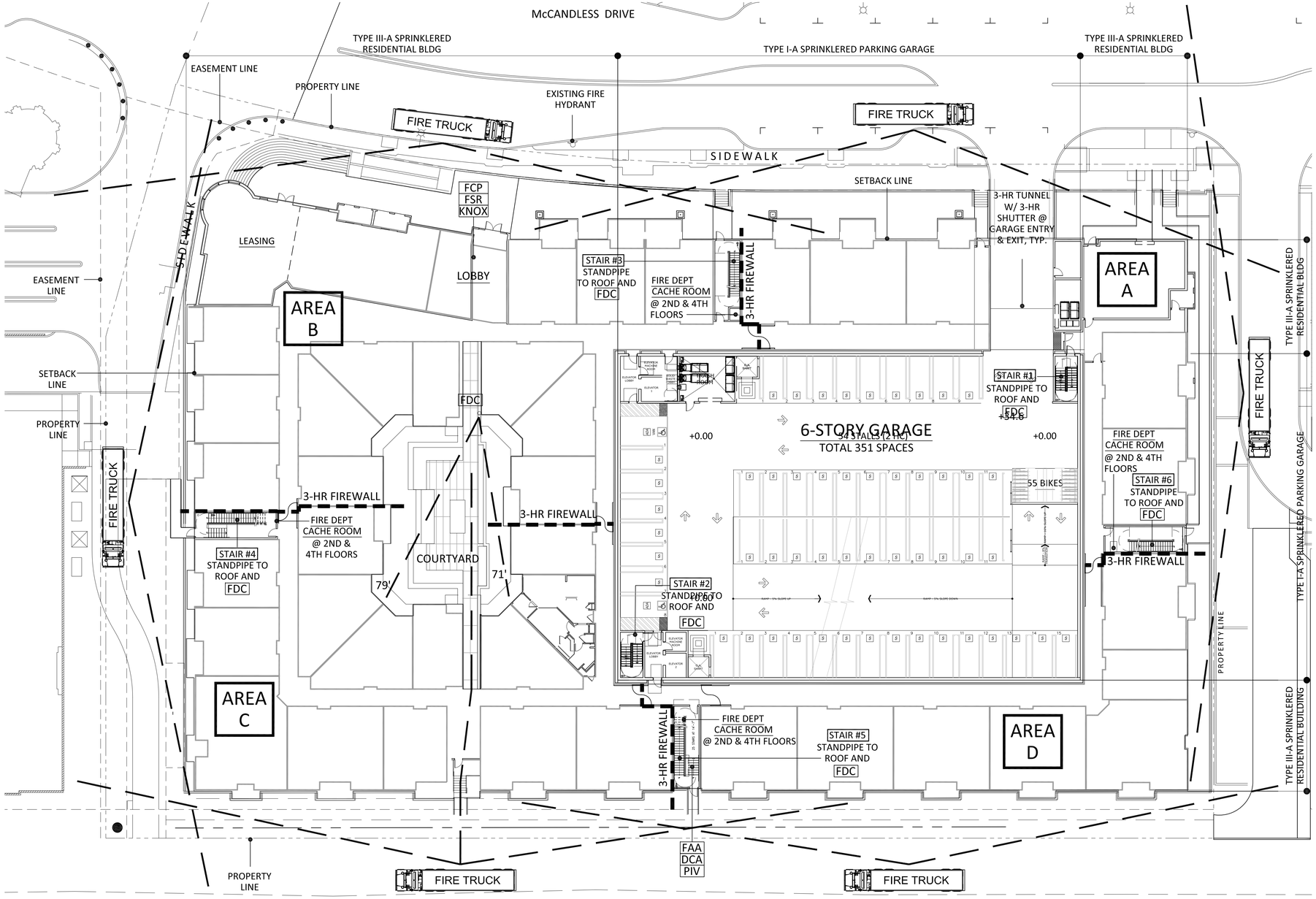
FLRS 2-5 RESIDENTIAL SOLID WASTE LOBBY PLAN



HAULING TRUCK DIAGRAM



TRASH ROOM AREA PLAN



FIRE ACCESS DIAGRAM

N

0' 5' 10' 20' 30' 40'
SCALE : 1:20

FIRE DEPARTMENT NOTES:

1. PROJECTS HAVING MORE THAN 200 UNITS MAY REQUIRE MORE THAN TWO FIRE APPARATUS ACCESS ROADS.

2. FIRE APPARATUS ACCESS ROADS SHALL HAVE A MINUMUM UNOBSTRUCTED 26'.

3. NO SOURCE OF ACCESS FROM LANDS ADJOINING A PROPERTY TO BE DEVELOPED SHALL BE CONSIDERED UNLESS THERE IS OBTAINED THE IRREVOCABLE AND UNOBSTRUCTED RIGHT TO USE SAME.

4. FIRE APPARATUS ACCESS ROADS SHALL MEET THE MILPITAS FIRE DEPARTMENT TURNING RADII GUIDELINES AND SHALL PROVIDE CONTINUOUS APPARATUS TRAVEL. TURNING RADII SHALL BE MINIMUM 48'-6" FOR OUTSIDE RADIUS AND 28' FOR INSIDE RADIUS. THE LAYOUT FOR THE OUTSIDE AND INSIDE RADIUS SHALL BE FROM THE SAME CENTER POINT.

5. FIRE APPARATUS ACCESS ROADS / LANES AND EMERGENCY VEHICLE ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS (SUTPHEN S95) AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER CAPABILITIES.

6. NO PARKING IN FIRE ACCESS ROADS. THE REQUIRED ACCESS ROAD SHALL BE DESIGNATED AND CLEARLY MARKED AS A FIRE LANE.

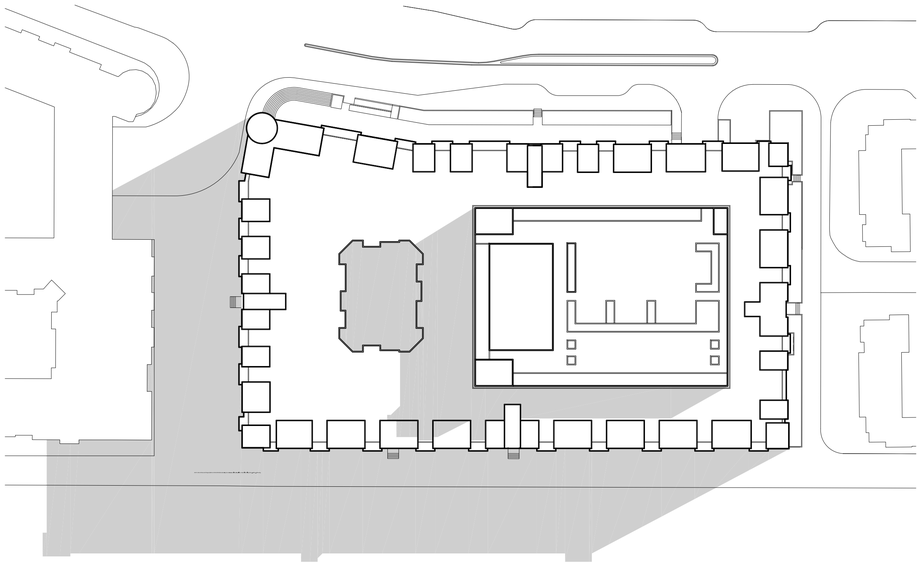
7. PROJECT IS OF TYPE IA CONSTRUCTION WITH A NFPA 13 SPRINKLER SYSTEM AND MEETS THE LIFE SAFETY PROVISION FOR HIGHRISE.

8. ROAD LOAD CAPACITY SHALL BE DESIGNED TO PROVIDE WEIGHT-BEARING CAPACITY FOT SUTPHEN S95 (62,500 LBS)

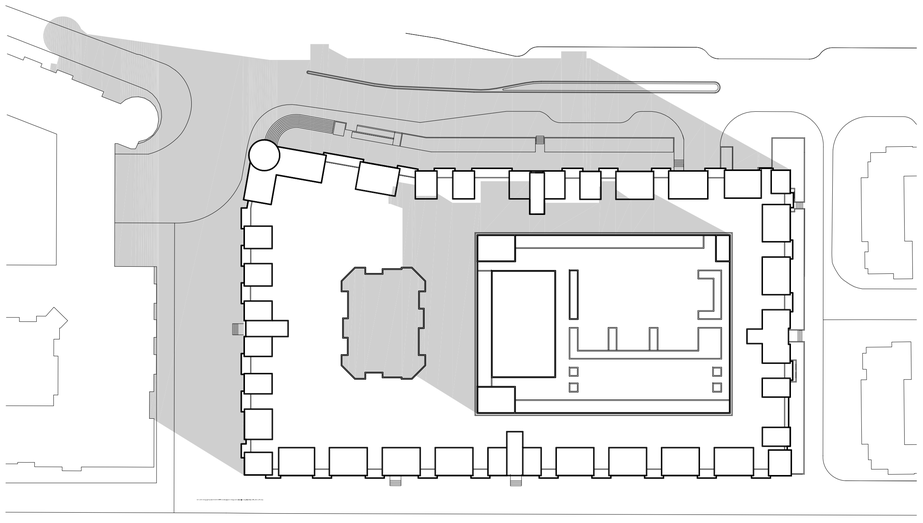
9. ALL STAIRS TO BE CONTINUOUS FROM THE GROUND FLOOR TO THE ROOF.

DRAWING LEGEND:

FIRE TRUCK	FIRE TRUCK
	150' REACH OF FIRE HOSE
	3-HR RATED FIRE WALL
	FIRE HYDRANT
FDC	FIRE DEPARTMENT CONNECTION
KNOX	KNOX BOX - BOTTOM LOCATED 5'-0" ABOVE FLOOR
FCP	FIRE CONTROL PANEL
FSR	FIRE SPRINKLER RISER
FAA	REMOTE FIRE ALARM ANNUNCIATOR
DCA	DOUBLE DETECTOR CHECK VALVE ASSEMBLY
PIV	POST INDICATOR VALVE



2PM DECEMBER 22



10AM DECEMBER 22

1 NEW UTILITY CONNECTION

2 NEW STRIPING, TYPICAL

MARKET STREET

McCANDLESS DRIVE

CANAL STREET

BUILDING 1

DISTRICT 2 ↵ TAYLOR MORRISON

FF=34.6

LOT 2

PENITENCIA CREEK

PENITENCIA CREEK

NOTES:

1. GRADING, SURFACE IMPROVEMENTS, AND UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. ALL GRADES ARE BASED ON FINAL FLOOD STUDY BY SCHAAF AND WHEELER DATED 2012 FLOOD STUDY.
3. UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
4. FINAL PIPE SIZES, ELEVATIONS AND LENGTHS ARE SUBJECT TO CHANGE; TO BE CONFIRMED DURING FINAL DESIGN.

SCALE IN FEET: 1"= 20'

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CONCEPTUAL GRADING, DRAINAGE AND UTILITY PLAN
DISTRICT 1 LOT 2
MILPITAS, CALIFORNIA

COR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK	SHEET REVISIONS	SCALE	DATE
					OCTOBER 5, 2015

SHEET C1 OF 4 SHEETS

JOB NO. 072030

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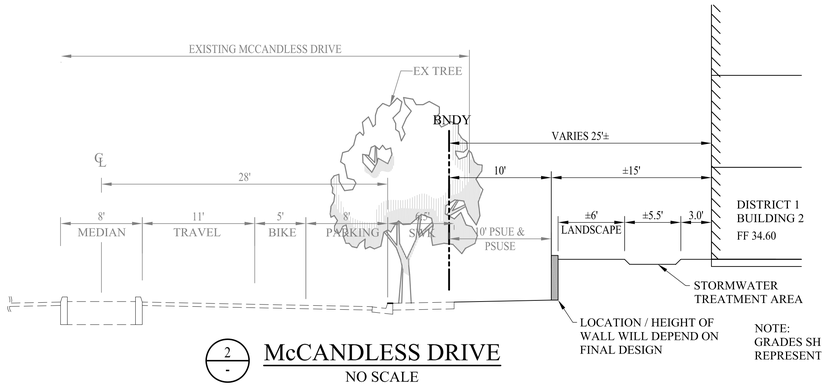

2 / - McCANDLESS DRIVE
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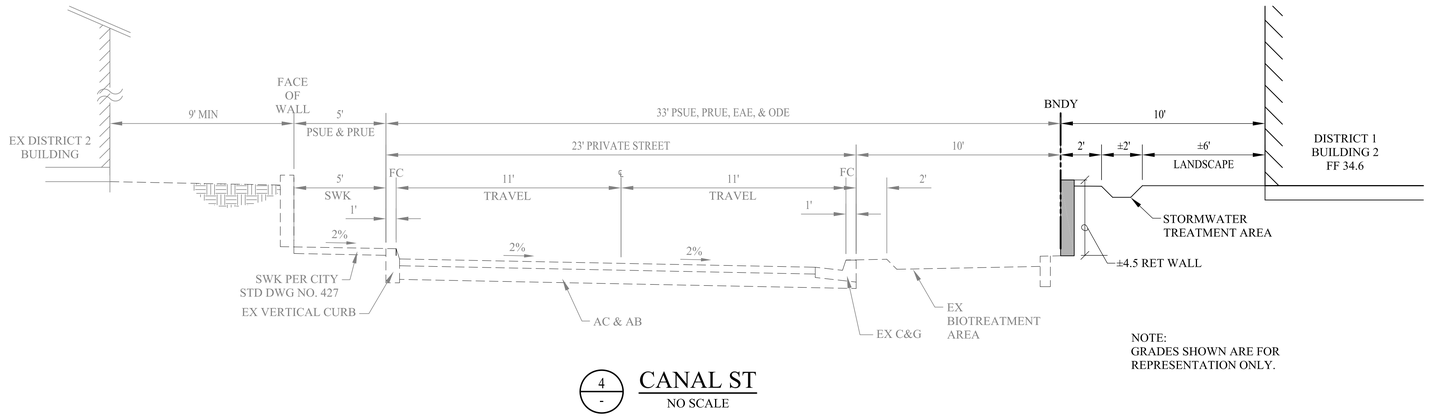

4 / - CANAL ST
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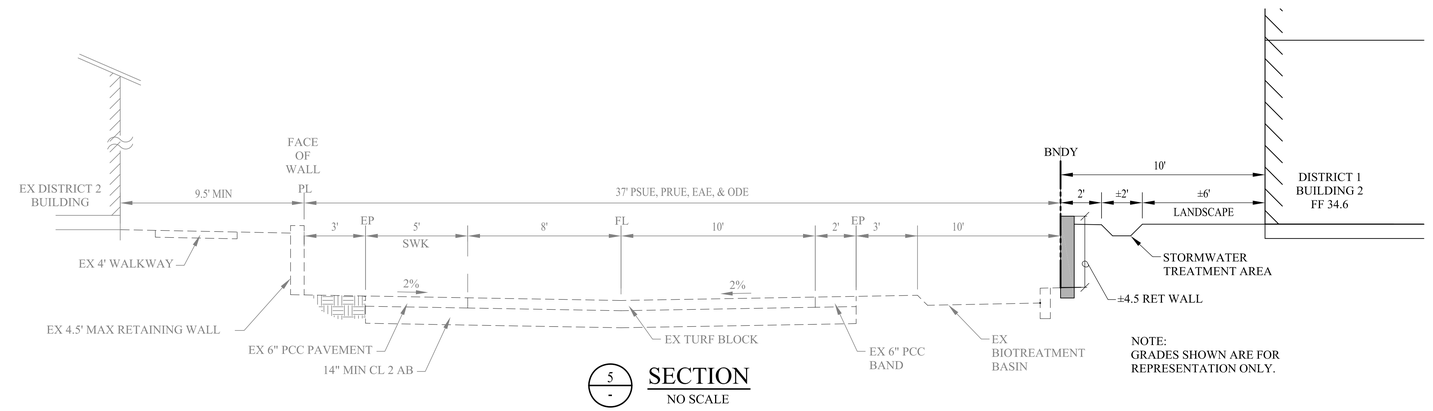

5 / - SECTION
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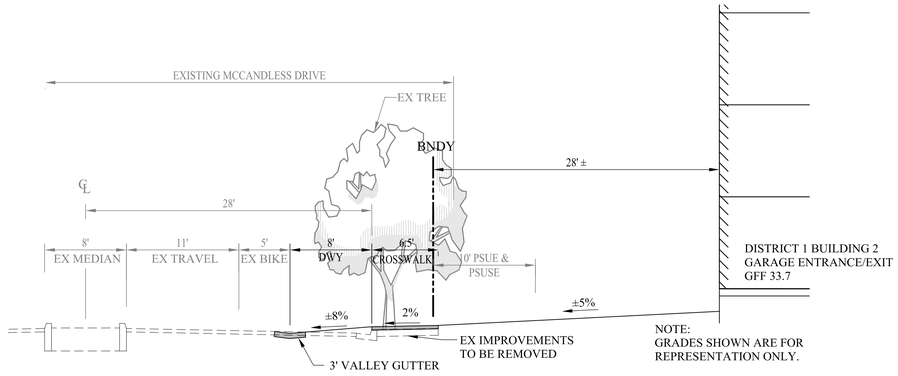
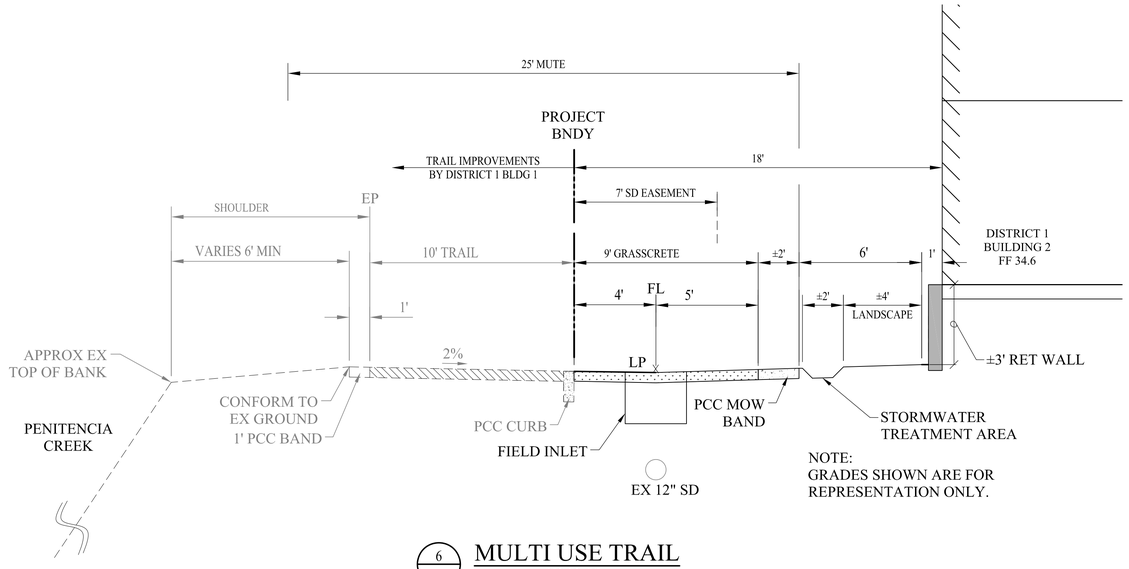


3 / - McCANDLESS DRIVE AT BLDG 2 GARAGE ENTRANCE
NO SCALE



6 / - MULTI USE TRAIL
NO SCALE

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SECTIONS
DISTRICT 1 LOT 2
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
C2
OF 4 SHEETS

JOB NO.
072030

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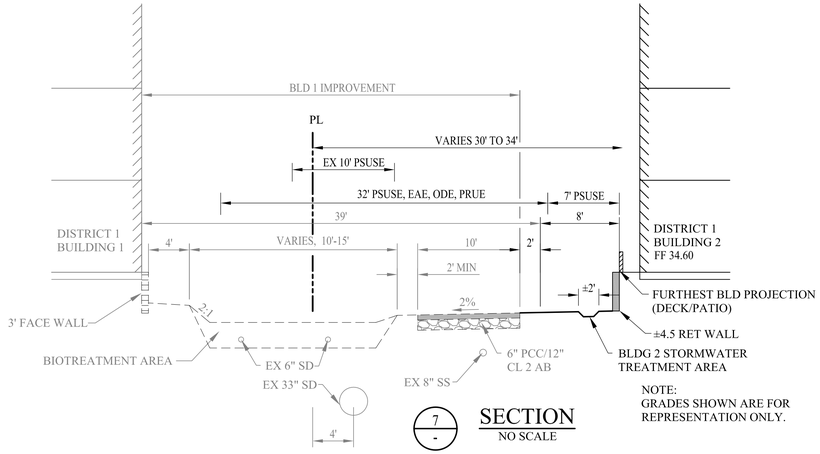

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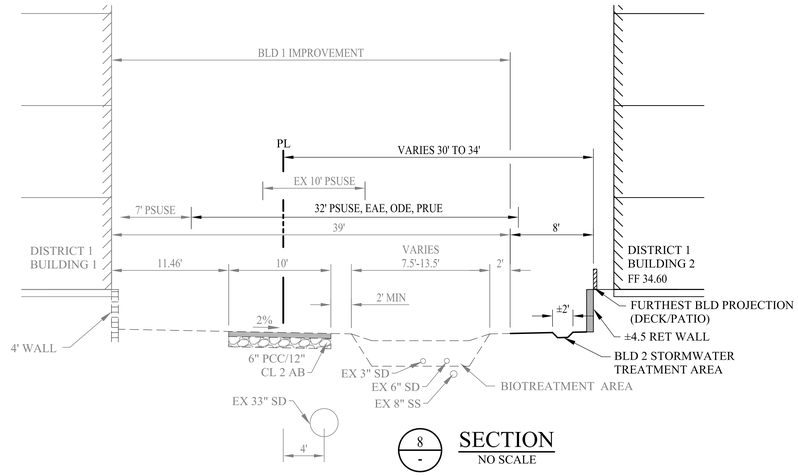

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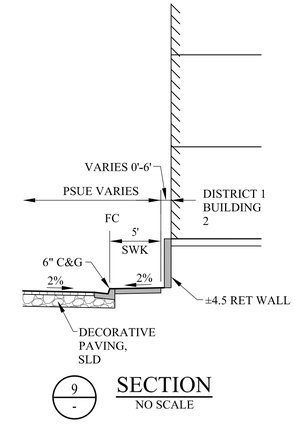

9 - SECTION
NO SCALE

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SECTIONS
DISTRICT 1 LOT 2
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
	OCTOBER 5, 2015

DATE	BY	CK

SHEET REVISIONS

DATE	MK

SHEET
C3
OF 5 SHEETS

JOB NO.
072030

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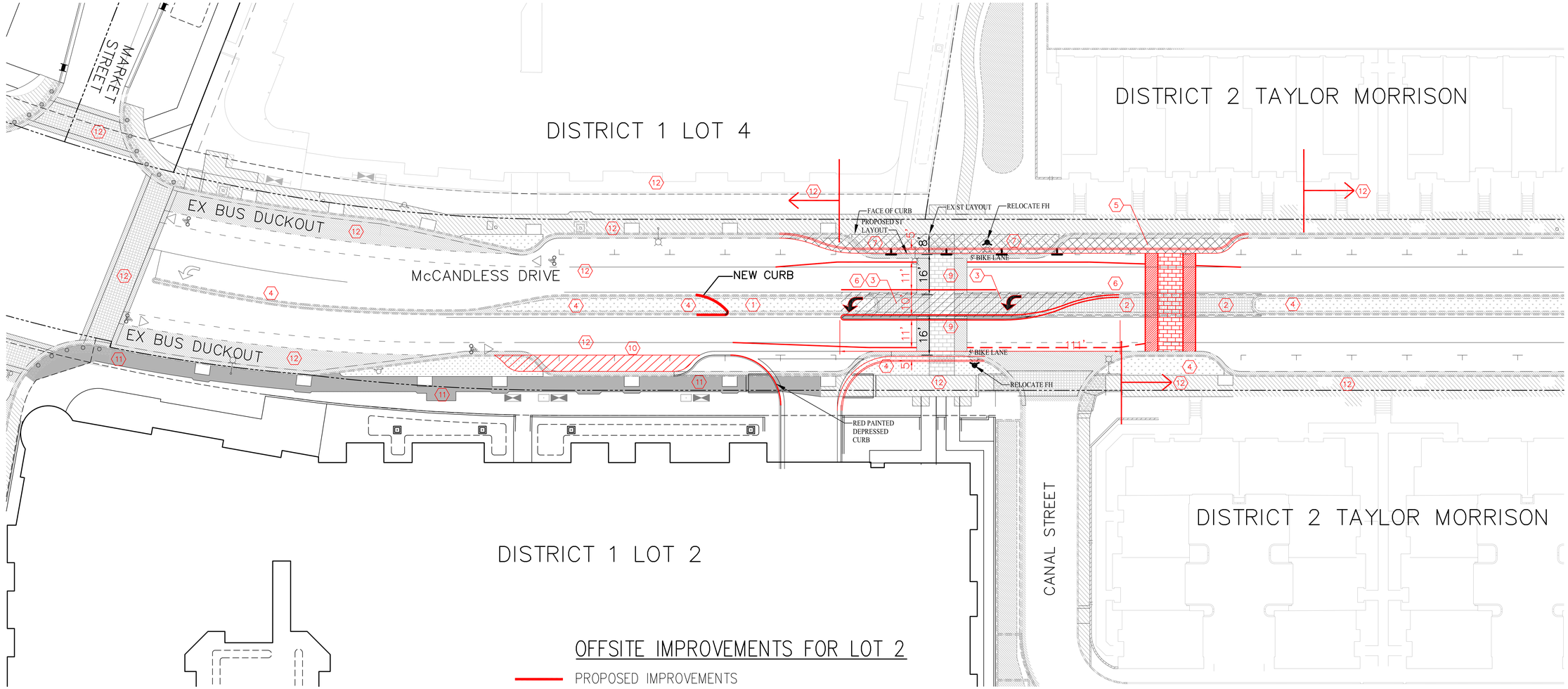

OFFSITE IMPROVEMENTS FOR LOT 2

PROPOSED IMPROVEMENTS

1. REMOVE EX RAISED MEDIAN ISLANDS
2. EX MOUNTABLE ISLAND TO REMAIN
3. REMOVE EX MOUNTABLE ISLAND. NEW LEFT TURN.
4. EX RAISED ISLAND TO REMAIN
5. NEW RAISED ISLAND
6. NEW PAINT STRIPING
7. REMOVE EX RAISED ISLAND
8. RELOCATE RAISED PEDESTRIAN CROSSING
9. REMOVE EX RAISED PEDESTRIAN CROSSING
10. SOLID WASTE VEHICLE PARKING
11. NEW SIDEWALK
12. EXISTING

N

0 20 40 60

SCALE IN FEET: 1"= 20'

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MCCANDLESS DRIVE IMPROVEMENTS
DISTRICT 1 LOT 2
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC

SCALE

DATE OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET C4 OF 4 SHEETS

JOB NO. 072030

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McCANDLESS DRIVE

CANAL STREET

PENITENCIA CREEK

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0' 10' 20' 40' 80
SCALE : 1"=20'-0"

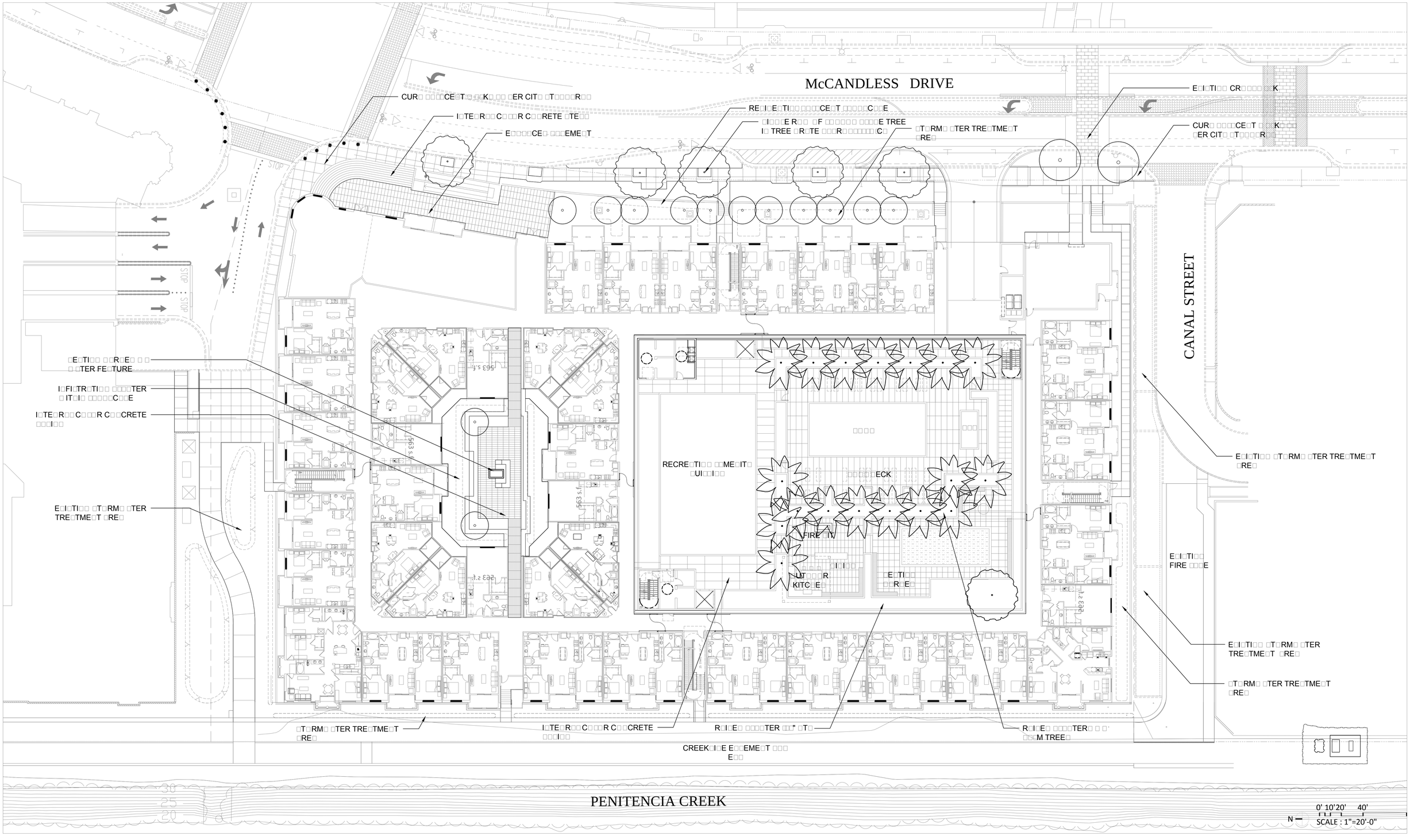
DISTRICT MILPITAS - LOT2

COE ARCHITECTURE INTERNATIONAL

LYON

LANDSCAPE SITE PLAN

October 5, 2015



DISTRICT MILPITAS - LOT2

COE ARCHITECTURE INTERNATIONAL

LYON

LANDSCAPE SITE PLAN

October 5, 2015

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□□□r□□□ □□□□□ □□□r□□□ □□□□□□□□□	C□□ □□□□□□□□r□□□□□□	□□ □ □□□	ME□

□R□U□□C□□ER□□TURF□□□□ □I□E□			
C□r□□ □□□ □□□□□□	□□r□□□□□ □□d□□	□ □ □□□□□" □□C□	ME□
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M□r□□□□□□ □E	T□r□	□□d□R□□□	□I□□
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THE DISTRICT AT MILPITAS - BUILDING 4

BUILDING

FLOOR AREA RATIO CALCULATIONS		
LOT AREA	**2.71 AC**	**116741 SF**
BUILDING AREA		
RESIDENTIAL GROSS		201852 **SF**

F.A.R. = RESIDENTIAL GROSS (201852 SF) / LOT AREA (116741 SF) = **1.73 FAR**

BUILDING 4 GROSS AREA		
TYPE	**AREA**	
RESIDENTIAL (GROSS)	201852	
RETAIL (GROSS)	13941	
EXTERIOR COURTYARDS	3250	
REC DECK	20828	
GARAGE (GROSS)	135329	
TOTAL AREA	**375200**	**GSF**

UNIT

UNIT COUNT TABULATION					
FLOOR	**TYPE**				**TOTAL BY FLOOR**
	STUDIO	**1BR**	**2BR**	**3BR**	
GROUND	1	17	7	1	26
2ND	1	15	10	1	27
3RD	3	24	12	1	40
4TH	3	24	12	1	40
5TH	3	24	12	1	40
TOTAL	11	104	53	5	**173**
PERCENTAGE	6%	60%	31%	5%	

DWELLING UNIT INFORMATION					
UNIT					**TOTAL RSF***
	UNIT RSF	**Qty.**	**%**	**TYPE**	
S1	527	11	6	Studio	5797
A1	743	60	34	1bd/1ba	44580
A1A	659	3	2	1bd/1ba	1917
A2	781	10	6	1bd/1ba	7810
A2A	824	25	15	1bd/1ba	20600
A3	547	3	2	1bd/1ba	1641
A4	720	3	2	1bd/1ba	2160
B1	1073	36	20	2bd/2ba	38628
B2	940	5	3	2bd/2ba	4700
B3	1017	4	2	2bd/2ba	4068
B4	1193	5	3	2bd/2ba	5965
B5	1250	3	2	2bd/2ba	3750
C1	1339	5	3	3bd/2ba	6695
TOTAL		173	100		**148,371**

PARKING

PARKING TABULATION		
LEVEL	**CURRENT**	TANDEM
SURFACE	n/a	n/a
GROUND	51	0
2ND	64	8
3RD	64	8
4TH	64	8
5TH	64	8
6TH	36	8
7TH	None	0
TOTAL	**343**	40

REQUIRED PARKING (Per Milpitas Transit Area Specific Plan)						
Residential Uses		**Miniumum Rquired**		**Maximum Allowed**		**Total Provided**
Type of Units	**Number of Units**					
STUDIO	11	8.8			11	
1BR	104	124.8			156	
2BR	53	84.8			106	
3BR	5	8			10	
GUEST	15%	50			50	
RETAIL	13941	0.8 per	45	1.0 per	56	
Bicycle Substitution				N/A	N/A	
TOTAL		321		389		**343**

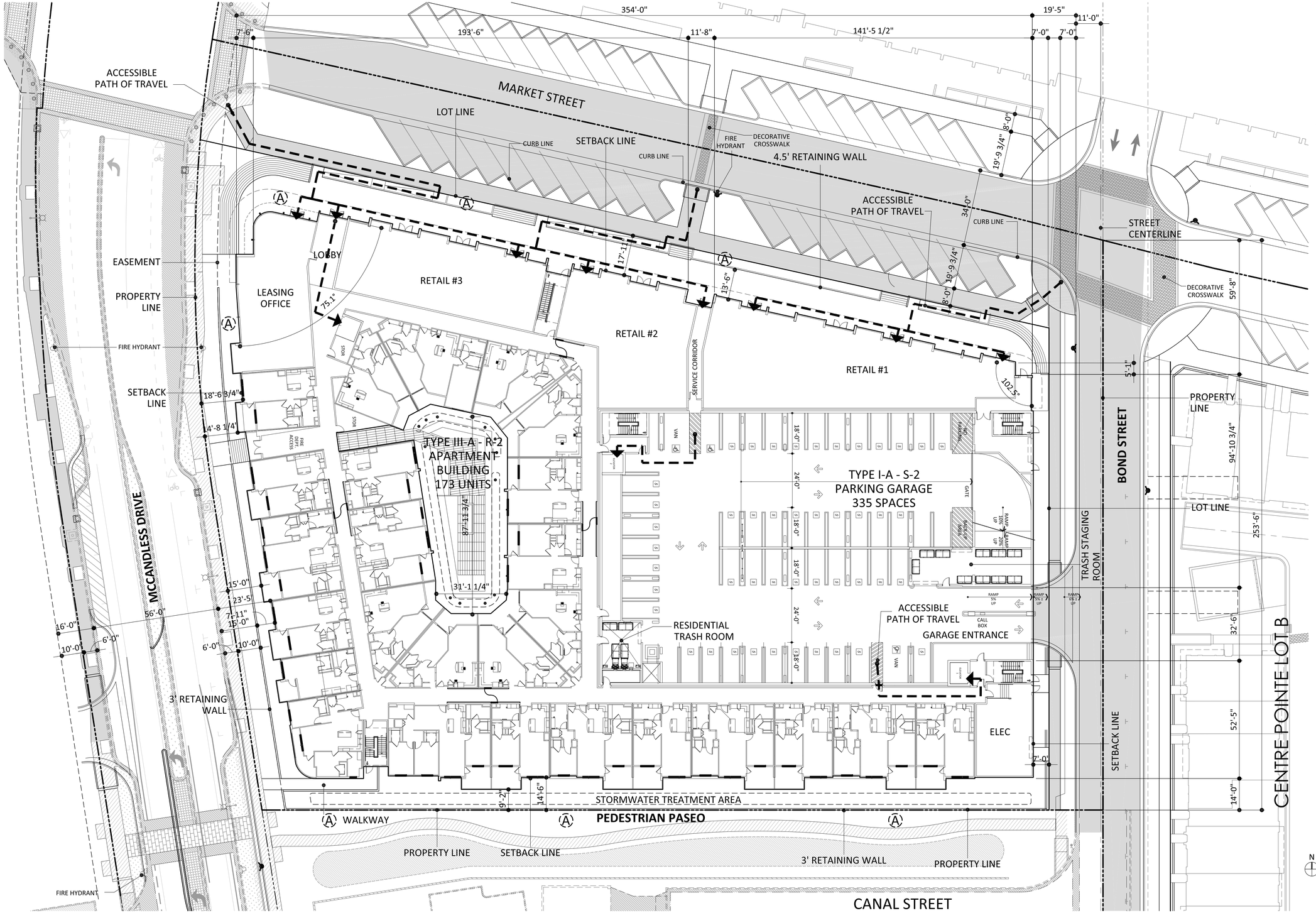
REQUIRED BICYCLE PARKING (Per Milpitas Transit Area Specific Plan)			
1 Space per 4 Units (Long Term) + 5% of Automobile Spaces Required (Short Term)			
# Units	Required Bicycle Spaces	# Parking Spaces	Required Bicycle Spaces
173	43.25	335	16.75
TOTAL BICYCLE SPACES REQUIRED			60
Bicycle Parking Substituion for Automobile Parking Spaces (Per Milpitas Municiple Code)			
# Bicycle Spaces	Rate of Sutitution	Parking Space Equivalent	
60	1 Parking Space per 8 bicylcles	**7**	

SHEET INDEX

4-A0	BUILDING DATA
4-A0.1	AERIAL VIEW
4-A1	VICINITY MAP
4-A2	SITE MAP
4-A3	FIRST AND SECOND FLOOR PLANS
4-A4	THIRD FLOOR AND ROOF PLANS
4-A5	REC DECK PLAN
4-A6	OVERALL BUILDING SECTIONS
4-A7	BUILDING ELEVATIONS
4-A8	ENLARGED ELAVATIONS
4-A8.1	MATERIALS AND COLORS
4-A9	UNIT PLANS
4-A10	UNIT PLANS
4-A11	RENDERING (TO BE ISSUED)
4-A11.1	3D VIEWS
4-A12	ENLARGED BLDG SECTIONS
4-A13	TRASH MANAGEMENT PLAN
4-A14	FIRE DEPARTMENT PLAN AND NOTES
4-A15	SHADOW STUDY

VICINITY MAP

N 0' 25' 50' 100'
SCALE: 1:50'



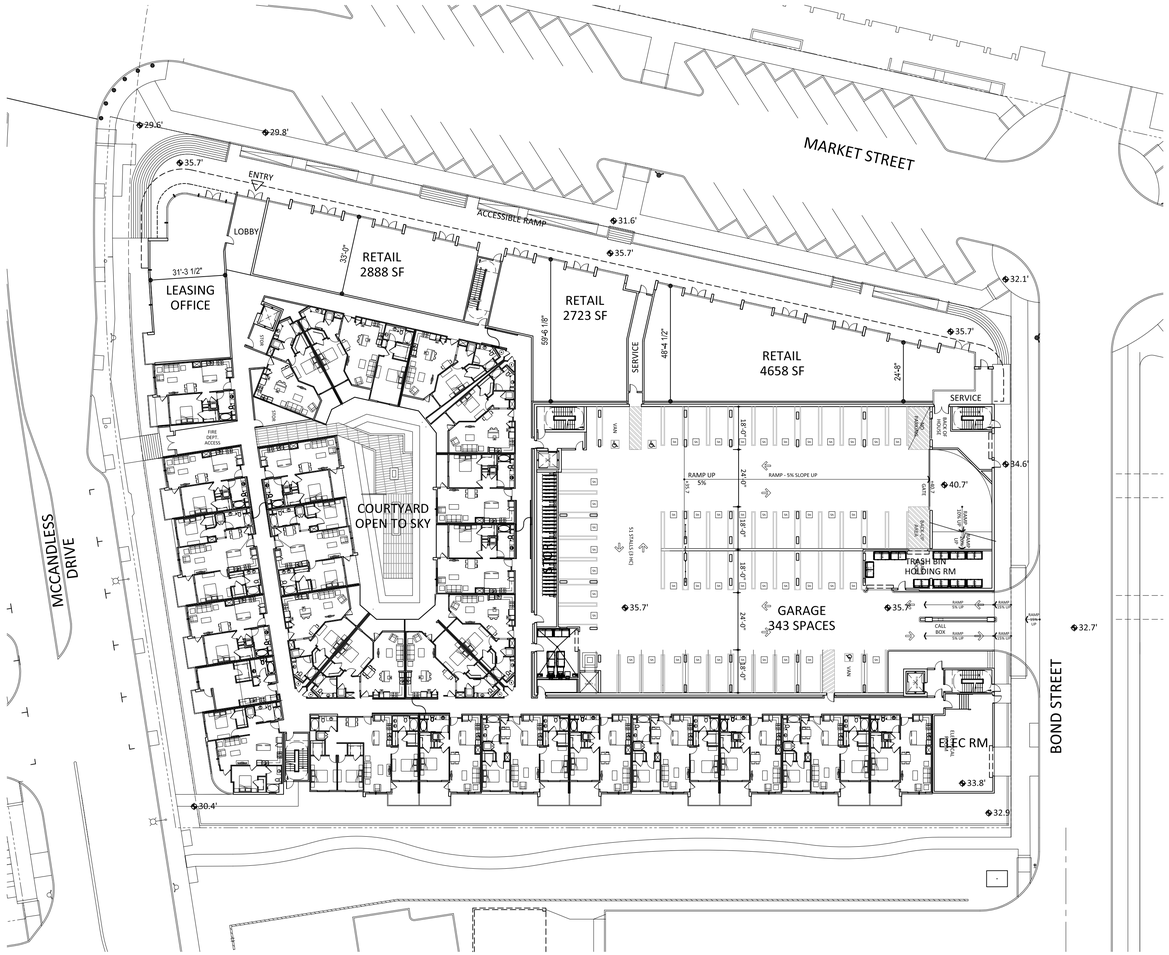
NOTES:

1. ALL DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN. MINIMUM BUILDING SETBACKS SHALL BE PER THE SETBACK TABLES APPROVED WITH THIS PROJECT.
2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.
3. Ⓐ SYMBOL INDICATES POSSIBLE PUBLIC ART LOCATIONS.

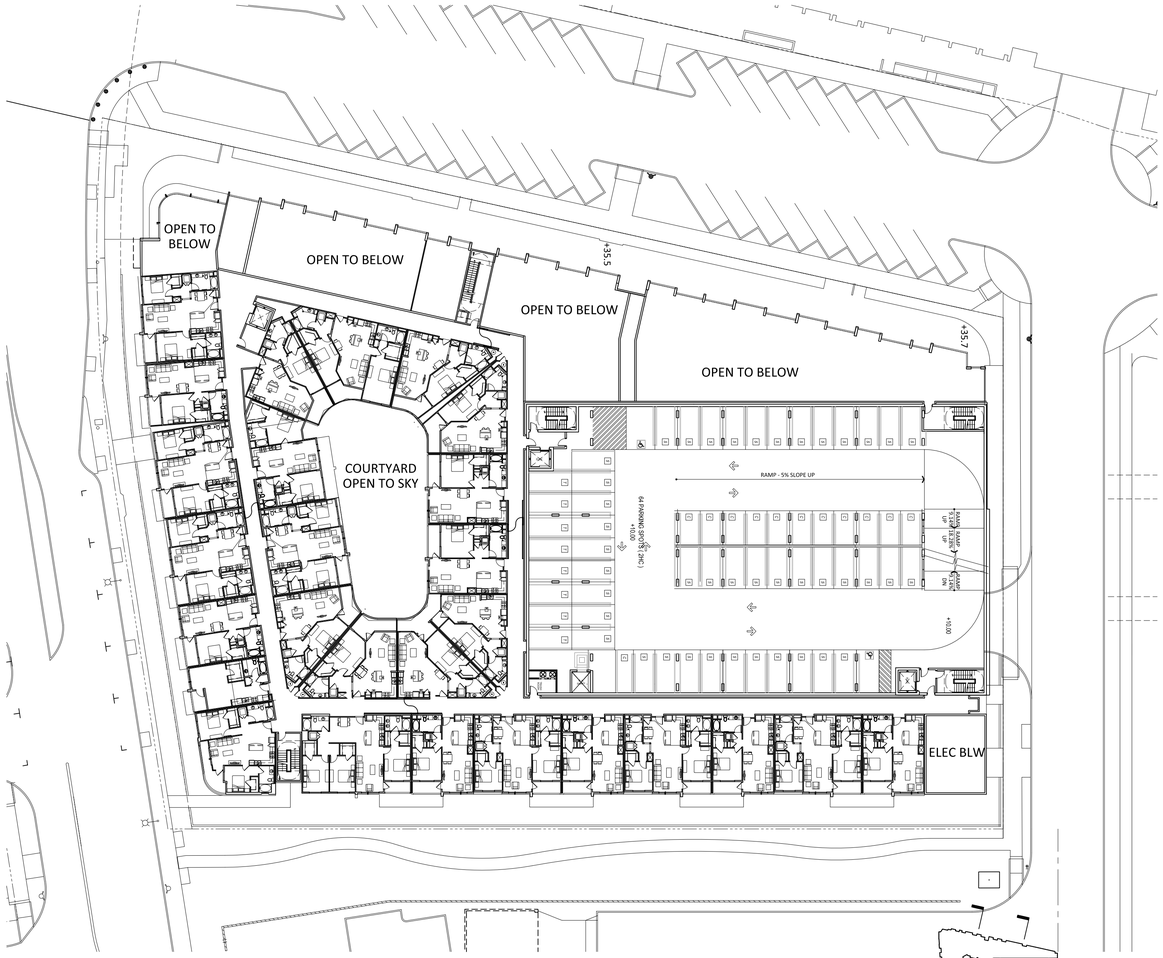
N 0' 5' 10' 20' 30' 40'
SCALE : 1' = 20'

COE ARCHITECTURE INTERNATIONAL

LYON

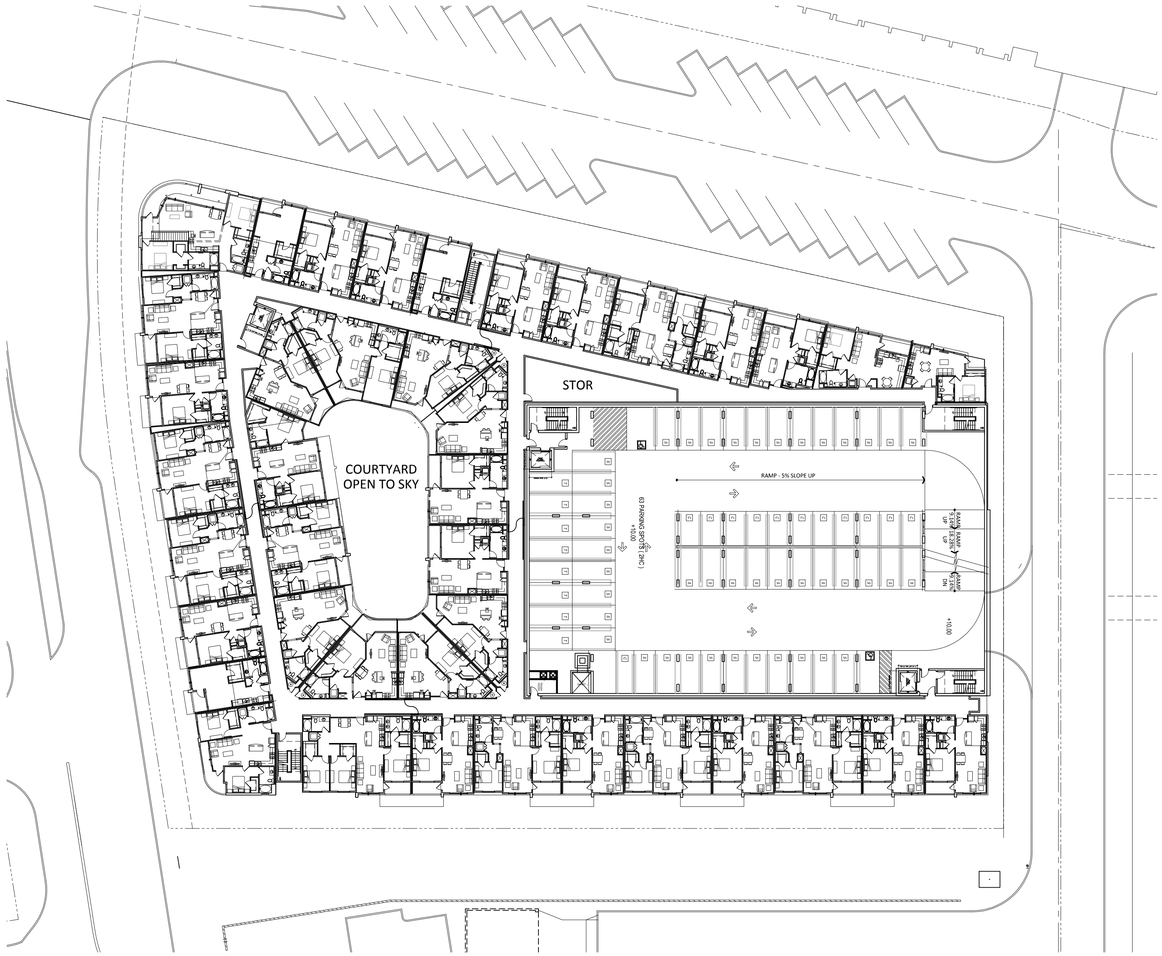


FIRST FLOOR PLAN

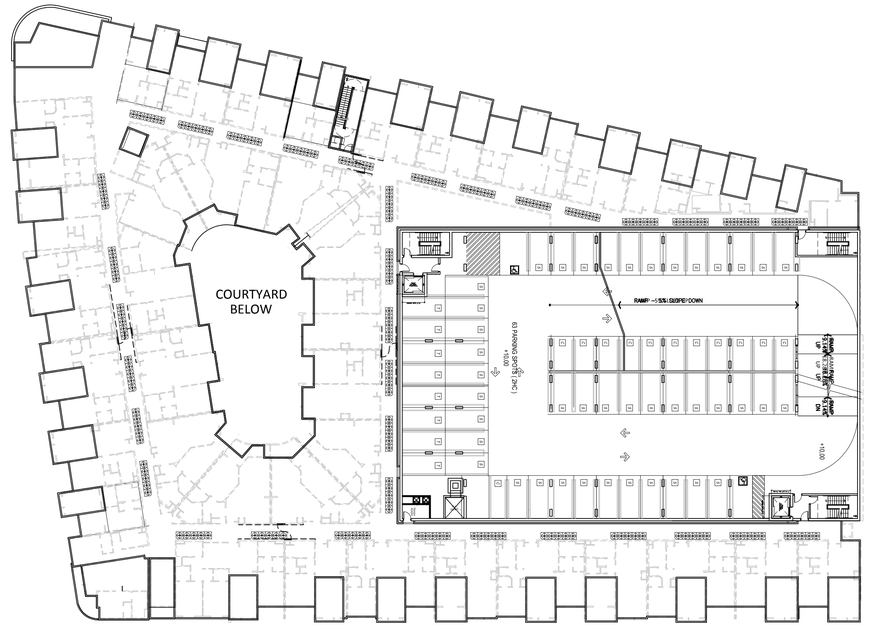


SECOND FLOOR PLAN

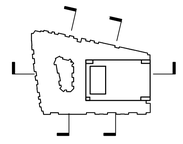
N 0' 15' 30' 60'
SCALE: 1" = 30'



THIRD TO FIFTH FLOOR PLAN



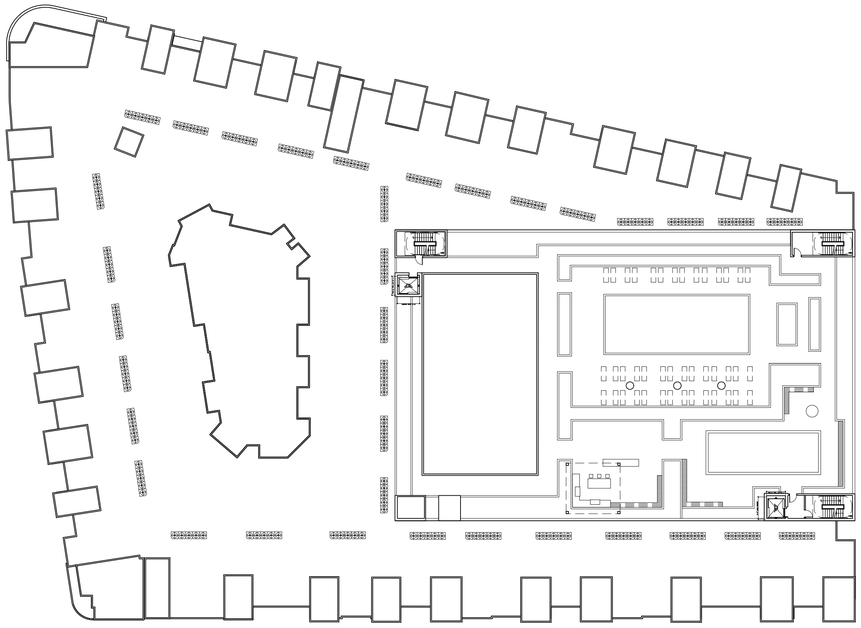
6TH FLOOR PARKING / ROOF PLAN



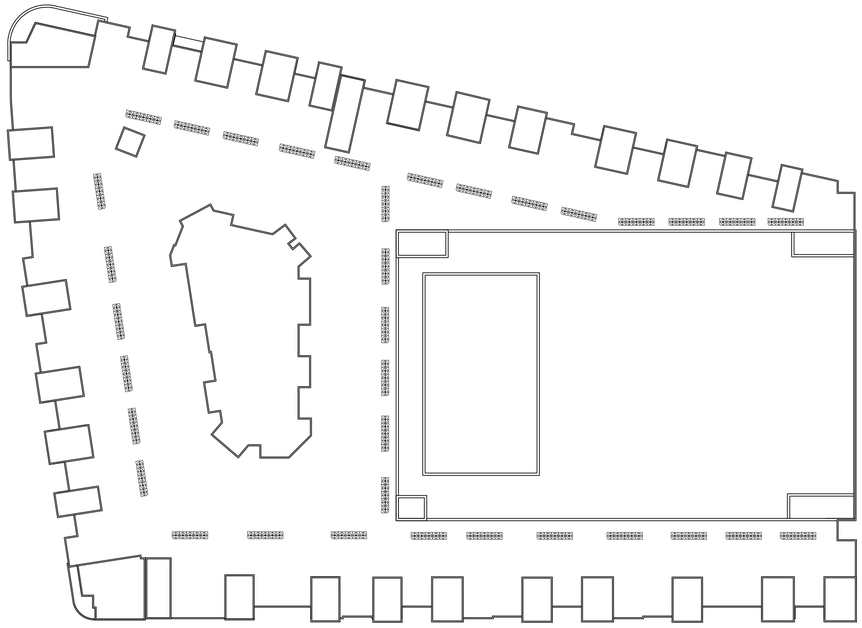
N

0' 15' 30' 60'

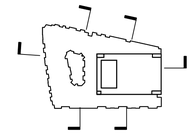
SCALE: 1" = 30'

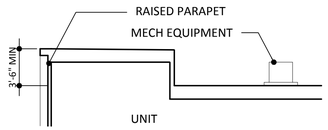


REC DECK LEVEL



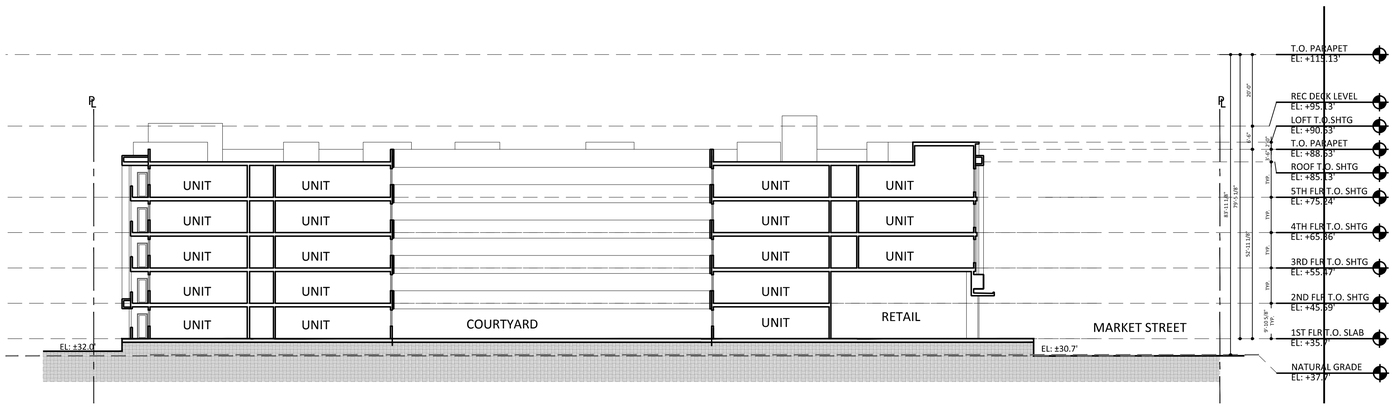
ROOF PLAN



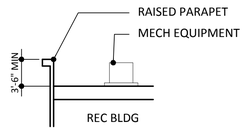


ROOF SECTION - EQUIPMENT SCREEN OVER RESIDENTIAL

NTS

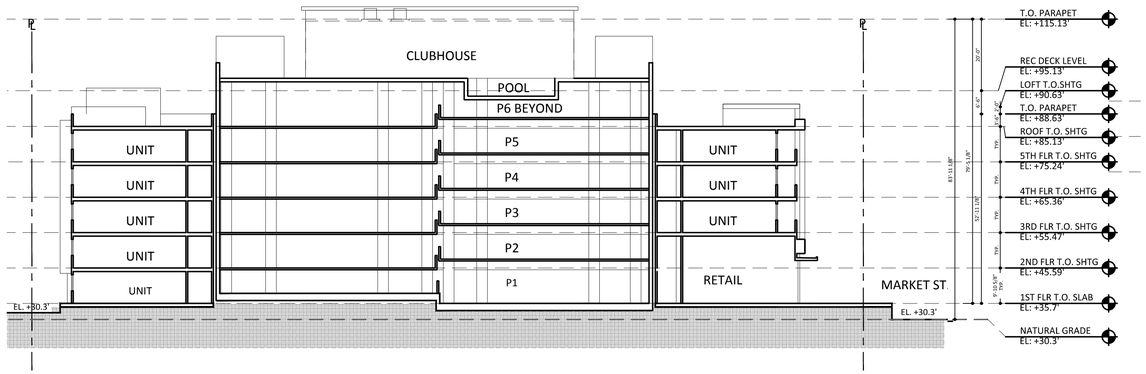


SECTION C

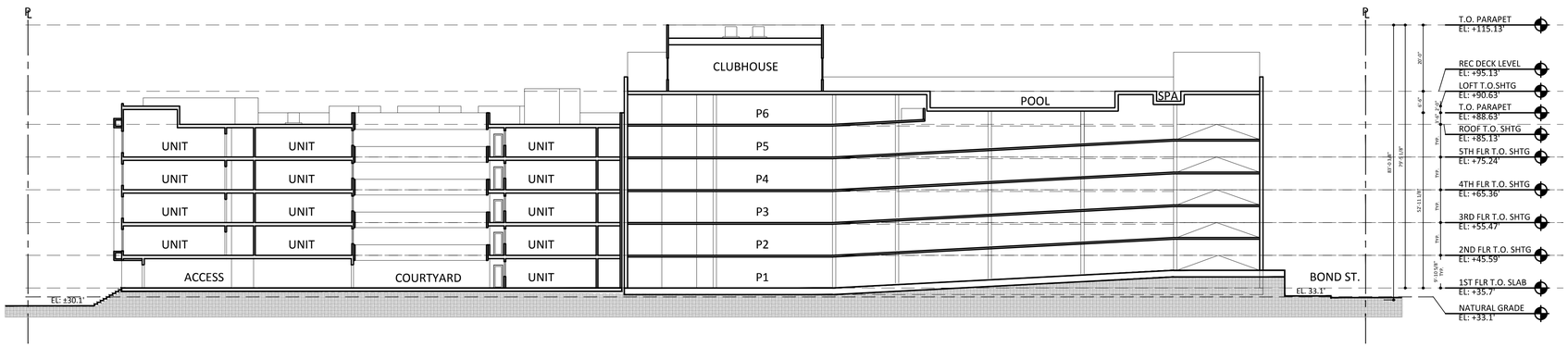


ROOF SECTION - EQUIPMENT SCREEN AT REC BUILDING

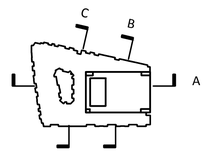
NTS



SECTION B



SECTION A



N 0' 10' 20' 40'

SCALE: 1" = 20'

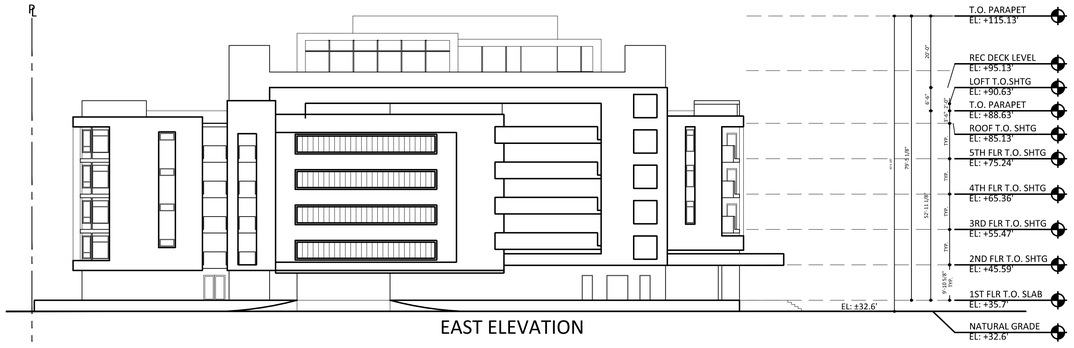
DISTRICT MILPITAS - LOT4

4-A6 OVERALL BUILDING SECTIONS

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

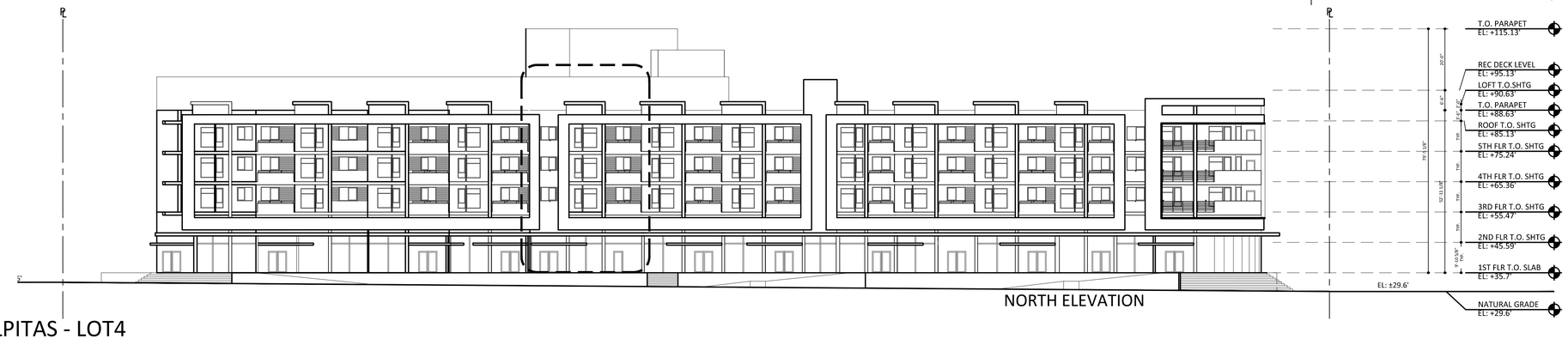
LYON



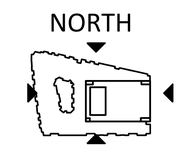
EAST ELEVATION

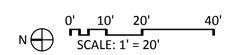
SOUTH ELEVATION

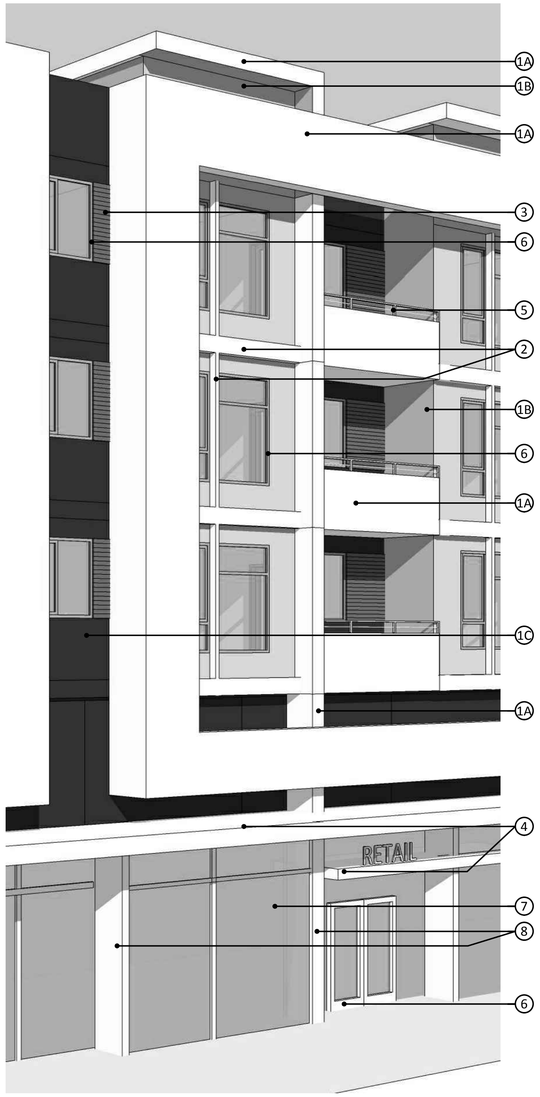
WEST ELEVATION



NORTH ELEVATION





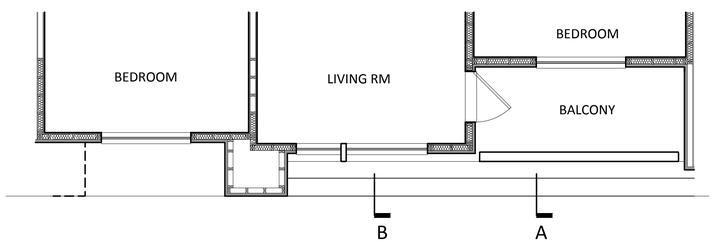


3D PARTIAL ELEVATION

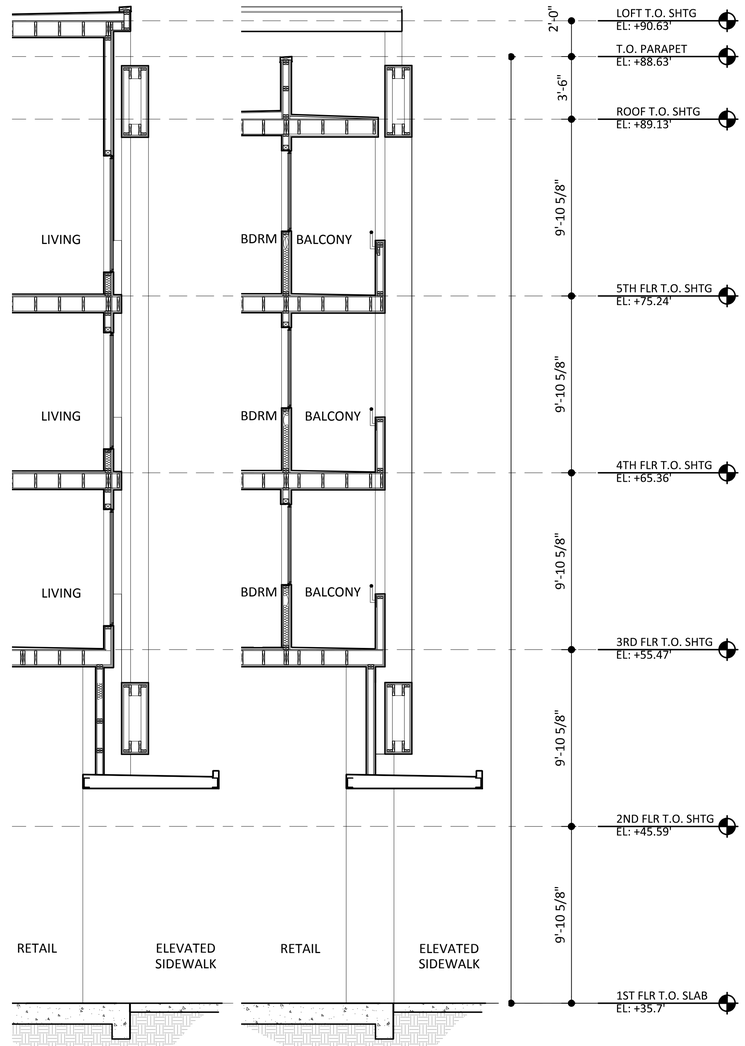
MATERIALS LEGEND

1. PAINTED PLASTER, COLORS A, B, C BY DUNN EDWARDS
2. FOAM TRIM WITH PLASTER FINISH
3. CEMENT BOARD SIDING PAINTED
4. METAL CANOPY
5. STEEL GUARDRAIL PAINTED
6. ALUMINUM WINDOW
7. GLASS STOREFRONT
8. METAL COLUMN COVER

ENL. B2 UNIT ELEVATION

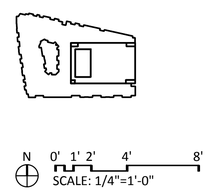


ENL. THIRD FLOOR PLAN



SECTION B

SECTION A



N 0' 1' 2' 4' 8'

SCALE: 1/4"=1'-0"

MATERIALS LEGEND

1. PAINTED PLASTER, COLORS A, B, C BY DUNN EDWARDS
2. FOAM TRIM WITH PLASTER FINISH
3. CEMENT BOARD SIDING PAINTED
4. METAL CANOPY
5. STEEL GUARDRAIL PAINTED
6. ALUMINUM WINDOW
7. GLASS STOREFRONT
8. METAL COLUMN COVER

6 ALUMINUM WINDOW FRAME

5 STEEL GUARDRAIL PAINTED
GRAY: CLC 1202W

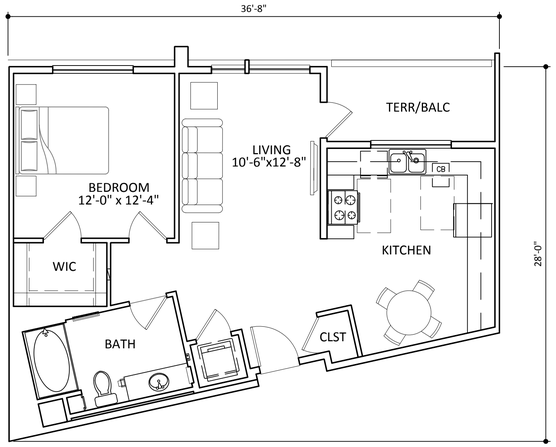
1A PAINTED PLASTER
SMOOTH FINISH
WHITE: CL 3151 W

1B PAINTED PLASTER
20/30 SAND FINISH
GRAY: CLC 1202W

1C PAINTED PLASTER
20/30 SAND FINISH
DARK BLUE: CL 2277N

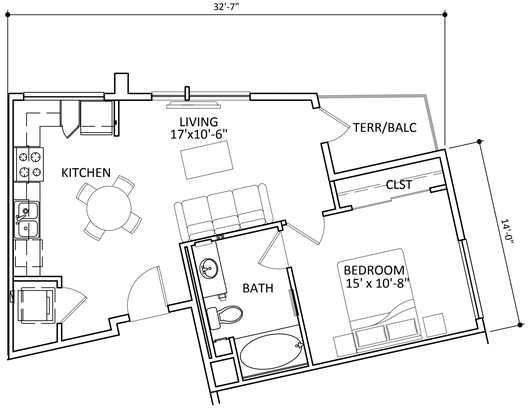
3 CEMENT BOARD SIDING PAINTED
HARDIE BOARD CLAP BOARD
LIGHT BLUE: CL 2275D

4 METAL CANOPY & 8 METAL COLUMN COVER
WHITE: CL 3151W



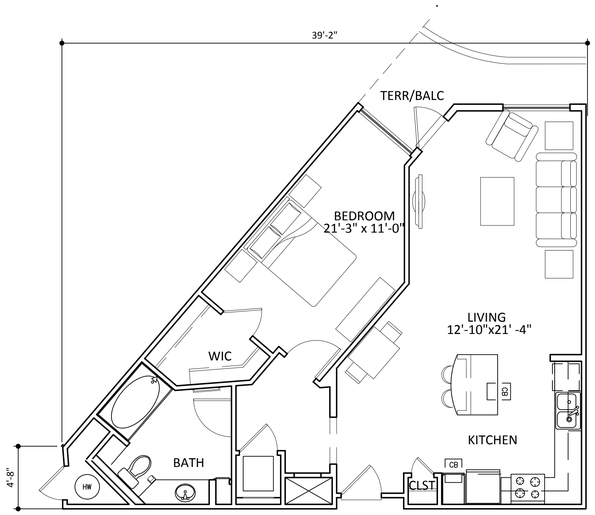
UNIT A4

1 BEDROOM - 1 BATH
LIVABLE AREA: 720 RSF
BALCONY AREA: 70 RSF



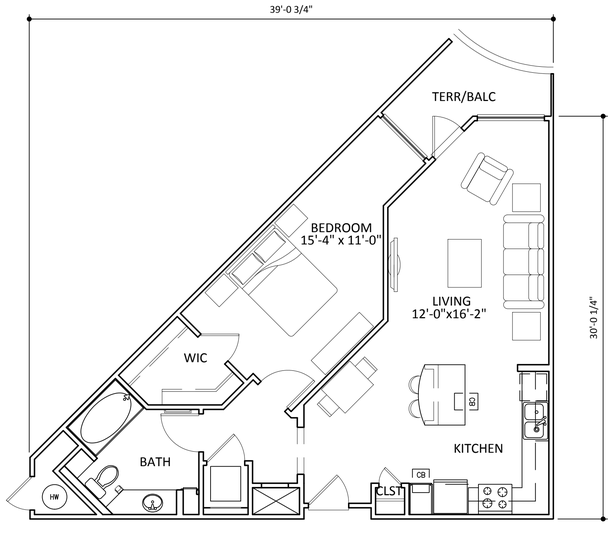
UNIT A3

1 BEDROOM - 1 BATH
LIVABLE AREA: 547 RSF
BALCONY AREA: 40 RSF



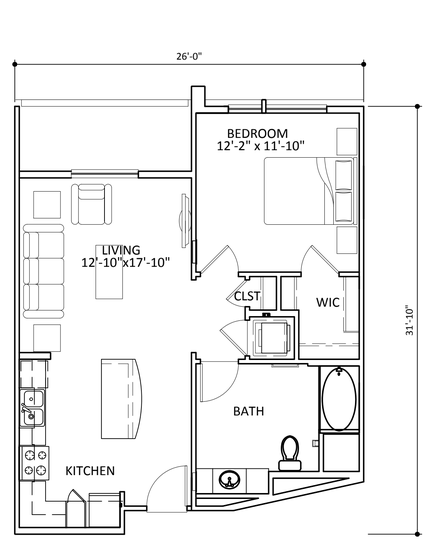
UNIT A2A

1 BEDROOM - BATH
LIVABLE AREA: 824 RSF
BALCONY AREA: 68 RSF



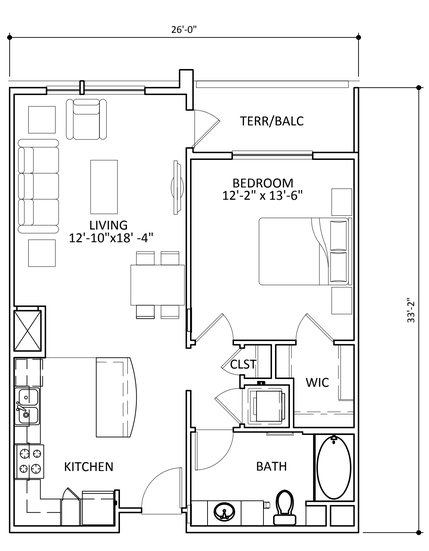
UNIT A2

1 BEDROOM - BATH
LIVABLE AREA: 781 RSF
BALCONY AREA: 56 RSF



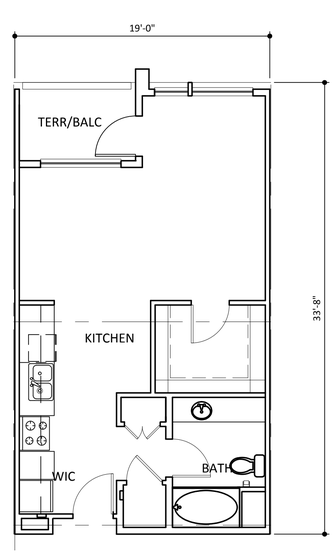
UNIT A1A

1 BEDROOM - BATH
LIVABLE AREA: 659 RSF
BALCONY AREA: 62 RSF



UNIT A1

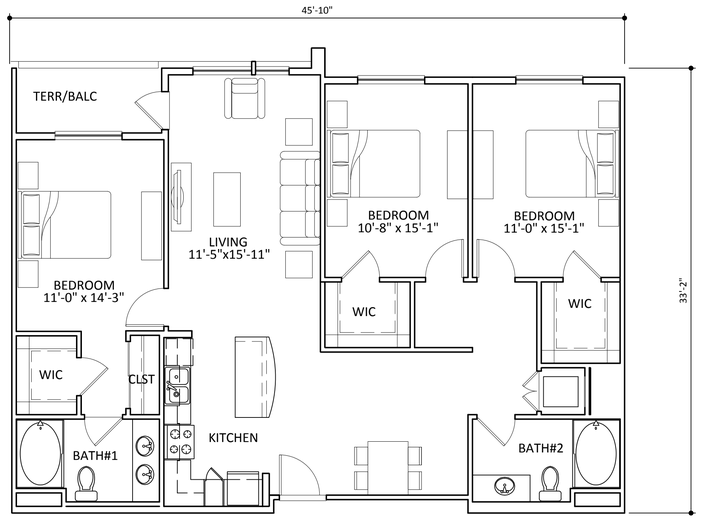
1 BEDROOM - 1 BATH
LIVABLE AREA: 743 RSF
BALCONY AREA: 58 RSF



UNIT S1

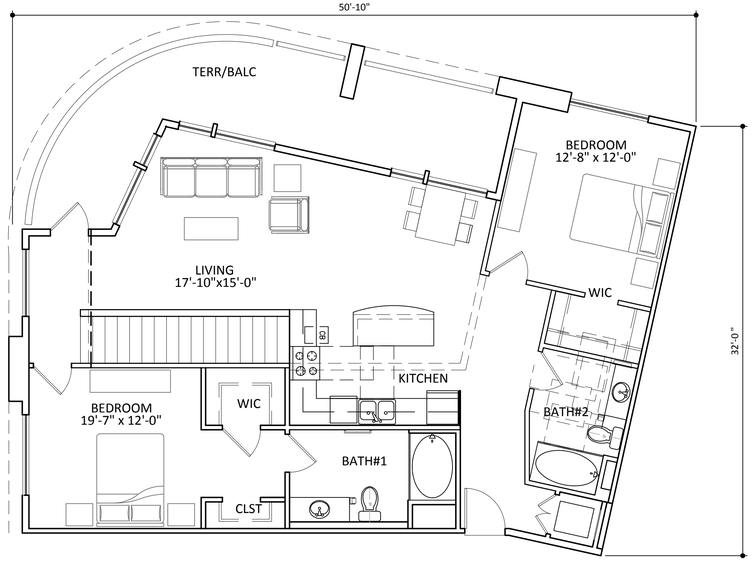
1 BEDROOM - 1 BATH STUDIO
LIVABLE AREA: 527 RSF
BALCONY AREA: 46 RSF

0' 2'-8" 5'-4" 10'-8"
SCALE : 3/16"=1'-0"



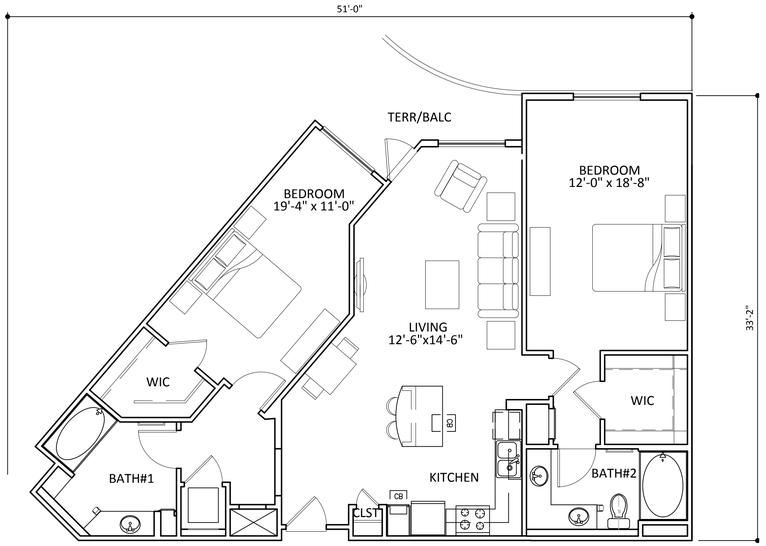
UNIT C1

3 BEDROOM - 2 BATH
LIVABLE AREA: 1339 RSF
BALCONY AREA: 52 RSF



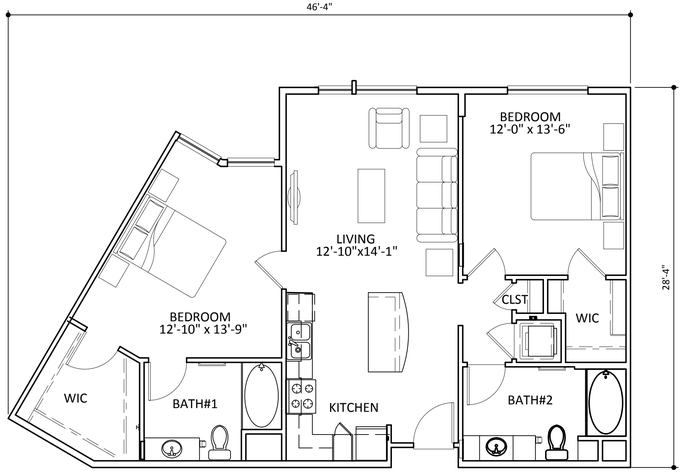
UNIT B5

2 BEDROOM - 2 BATH
LIVABLE AREA: 1250 RSF
BALCONY AREA: 256 RSF



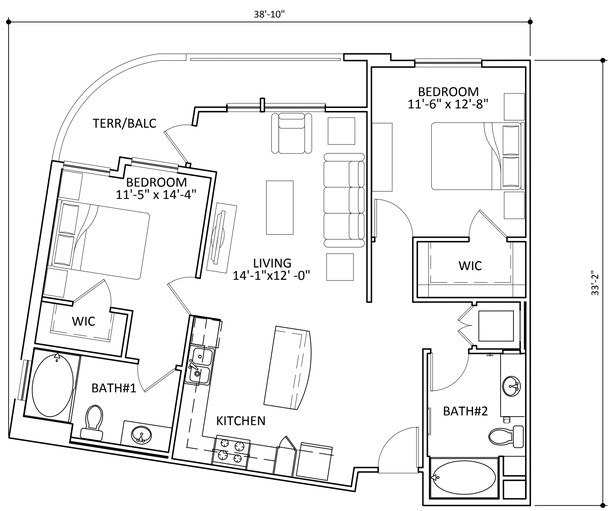
UNIT B4

2 BEDROOM - 2 BATH
LIVABLE AREA: 1193 RSF
BALCONY AREA: 80 RSF



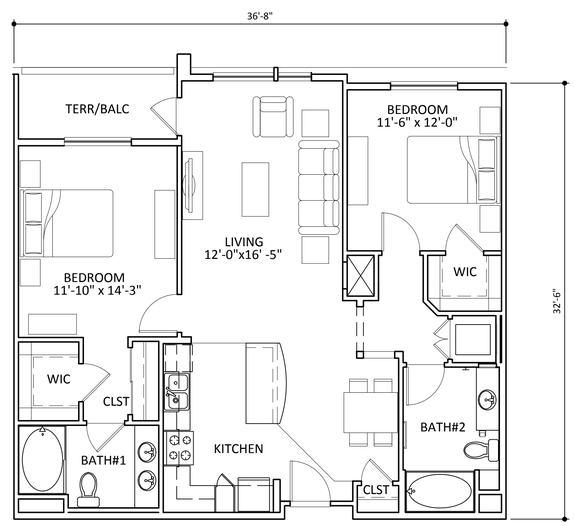
UNIT B3

2 BEDROOM - 2 BATH
LIVABLE AREA: 1017 RSF



UNIT B2

2 BEDROOM - 2 BATH
LIVABLE AREA: 940 RSF
BALCONY AREA: 107 RSF



UNIT B1

2 BEDROOM - 2 BATH
LIVABLE AREA: 1073 RSF
BALCONY AREA: 57 RSF

0' 2'-8" 5'-4" 10'-8"
SCALE : 3/16"=1'-0"

1 AERIAL VIEW OF MARKET STREET

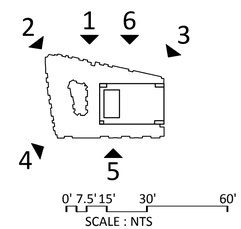
2 VIEW OF RETAIL CORNER

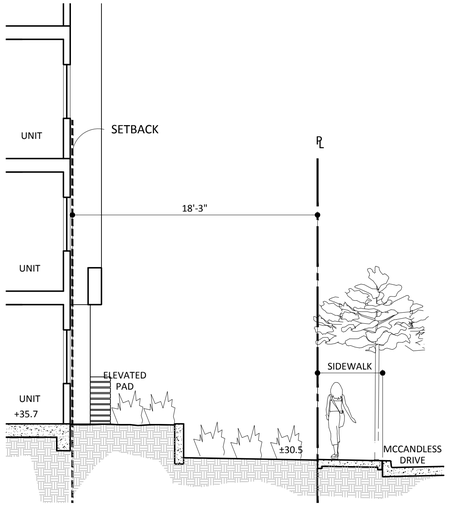
3 VIEW OF NORTHEAST CORNER FROM MCCANDLESS

4 VIEW FROM MCCANDLESS SOUTHWEST CORNER

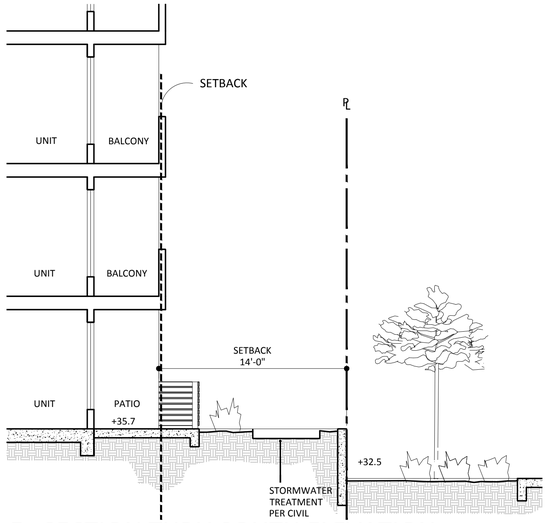
5 VIEW FROM SOUTH

6 VIEW OF NORTH ELEVATION

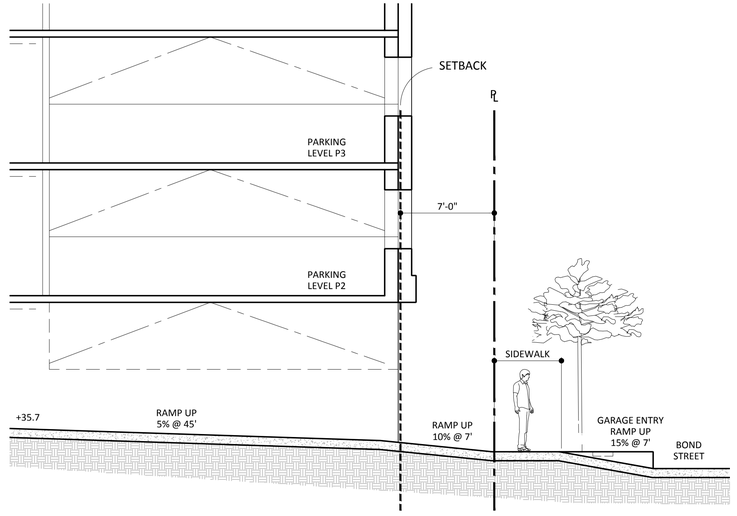




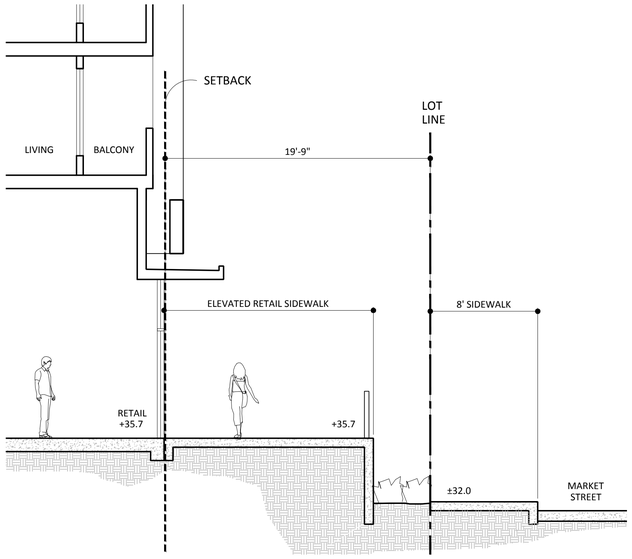
F. SECTION THRU MCCANDLESS DRIVE



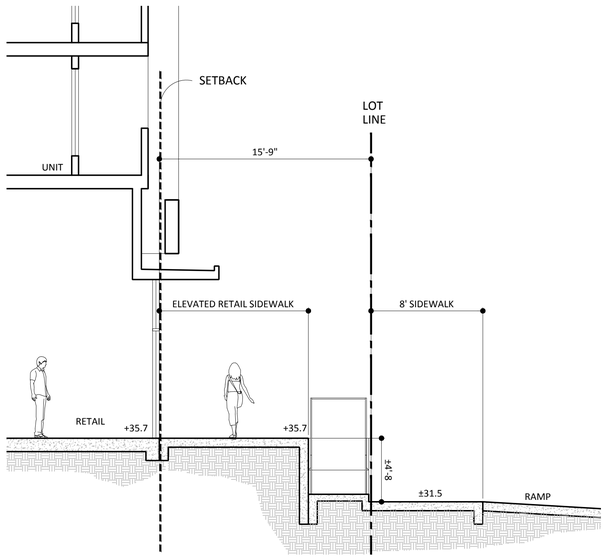
E. SECTION THRU SOUTH ELEVATION



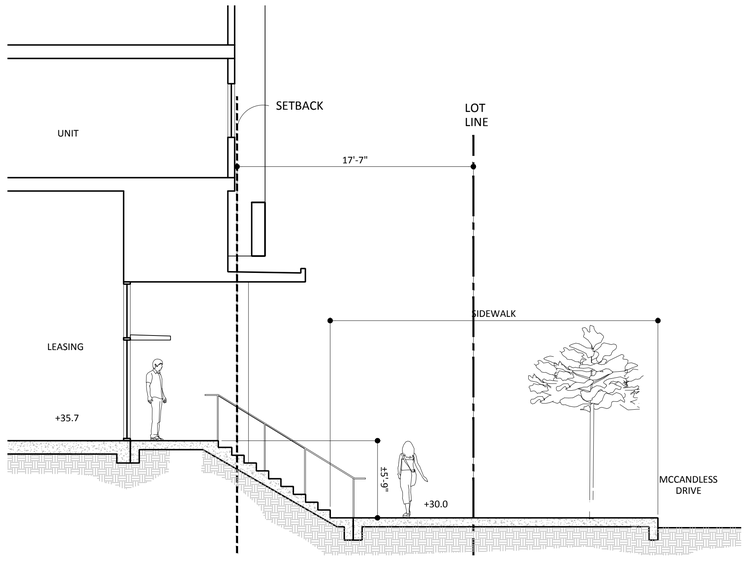
D. SECTION THRU GARAGE ENTRANCE AT BOND ST.



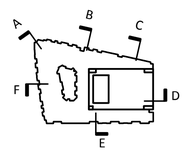
C. SECTION THRU MARKET STREET AT ELEVATED PAD



B. SECTION THRU MARKET STREET AT RAMP



A. SECTION THRU LEASING

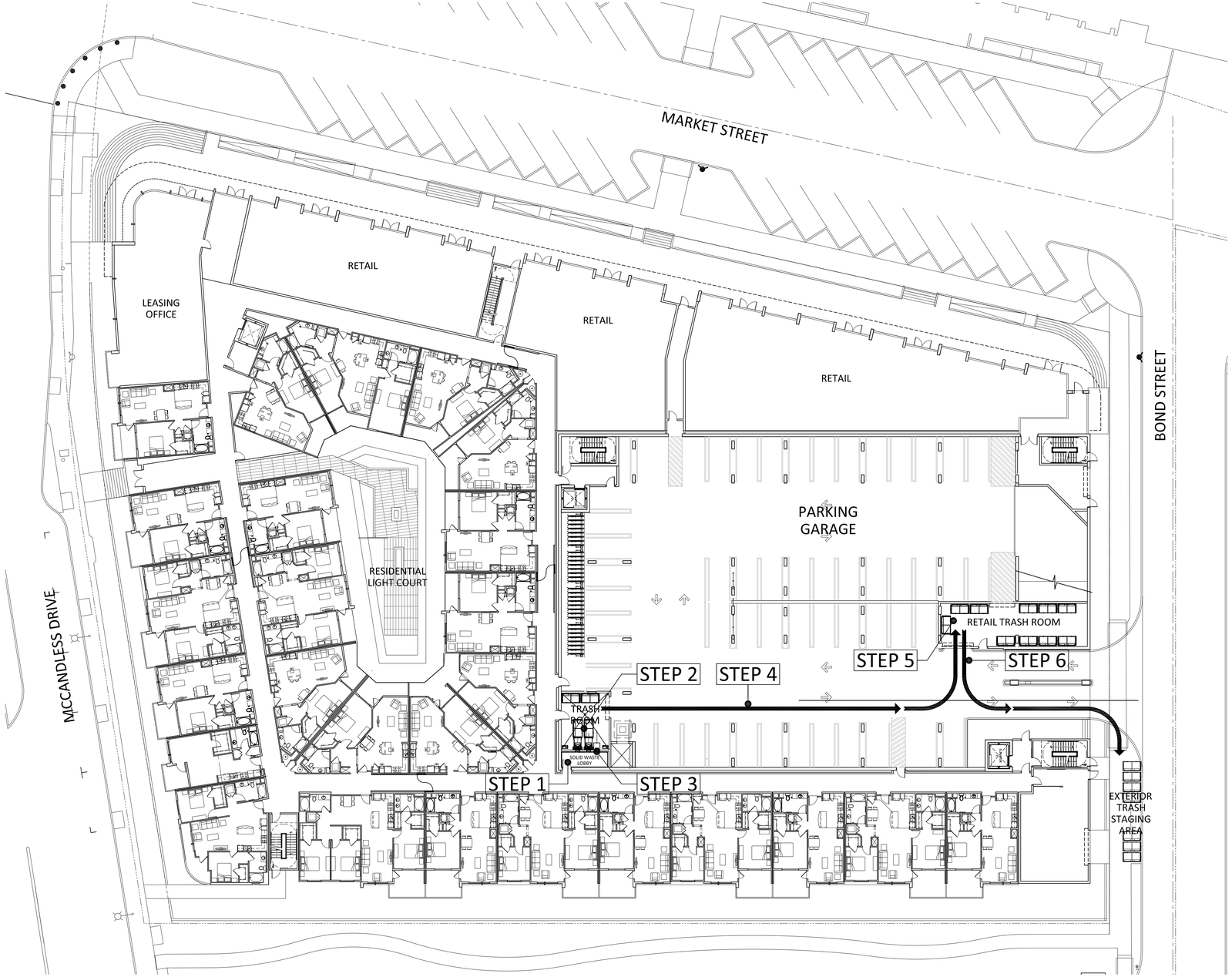


NOTES:

1. ALL DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN. MINIMUM BUIDING SETBACKS SHALL BE PER THE SETBACK TABLES APPROVED WITH THIS PROJECT.

2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.

N 0' 2'-8" 5'-4" 10'-8"
SCALE: 3/16"=1'-0"



SOLID WASTE MANAGEMENT PLAN - FIRST FLOOR

0' 5' 10' 20' 30' 40'
SCALE : 1:20

SOLID WASTE MANAGEMENT NOTES:

STEP 1: RESIDENTS ENTER SOLID WASTE LOBBIES LOCATED AT EACH FLOOR OF THE BUILDING TO DEPOSIT SOLID WASTE AND RECYCLABLES INTO 2 - 30" DIAMETER CHUTES VIA 15" X 15" SINGLE HINGE THRU WALL ACCESS DOORS.

STEP 2: SOLID WASTE AND RECYCLABLES DEPOSITED IN CHUTES ARE COLLECTED IN THE 1ST FLOOR TRASH ROOM 1 COMPACTORS (LOCATED WITHIN THE GARAGE) AND DEPOSITED IN 2 CUBIC YARD TRASH CONTAINERS. A SMART TRASH SYSTEM WILL NOTIFY BUILDING MANAGEMENT WHEN TRASH BINS ARE FULL.

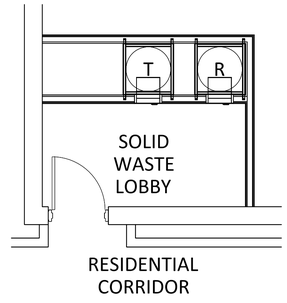
STEP 3: COMPOSTABLE WASTE IS DISPOSED OF IN GROUND FLOOR SOLID WASTE LOBBY VIA A 15" X 15" SINGLE HINGE THRU WALL ACCESS DOOR INTO TRASH ROOM 1. COMPOSTABLES ARE COLLECTED IN 64 GALLON "TOTER STYLE" CONTAINER CARTS.

STEP 4: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE CARTED FROM THE TRASH ROOM TO THE TRASH STAGING AREA (WITHIN THE GARAGE & NEIGHBORING THE GARAGE ENTRANCE.)

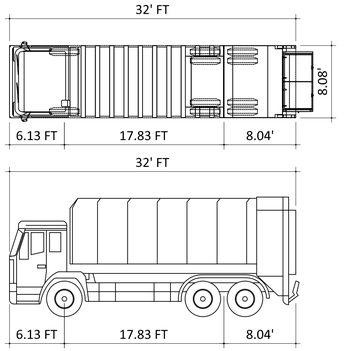
STEP 5: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE STORED IN THE TRASH STAGING AREA FOR PICK UP BY THE CITY'S FRANCHISE WASTE VENDOR, REPUBLIC SERVICES.

STEP 6: STORED SOLID WASTE HANDLING BINS AND CARTS ARE MOVED TO THE EXTERIOR STAGING AREA FOR COLLECTION BY AWAITING SOLID WASTE COLLECTION TRUCKS.

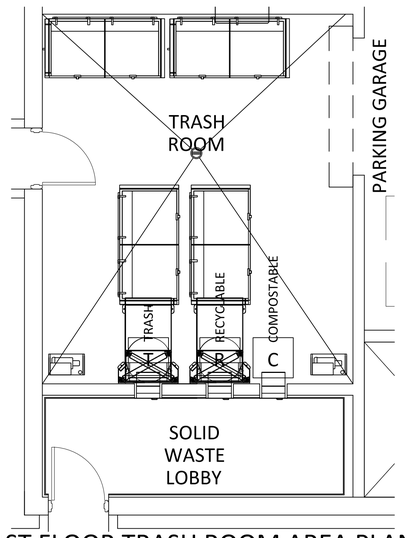
STEP 7: AFTER TRASH BINS ARE EMPTIED THEY ARE REPLACED IN TRASH STAGING AREA FOR STORAGE AND REUSE.



FLOORS 2-5 RESIDENTIAL SOLID WASTE LOBBY PLAN

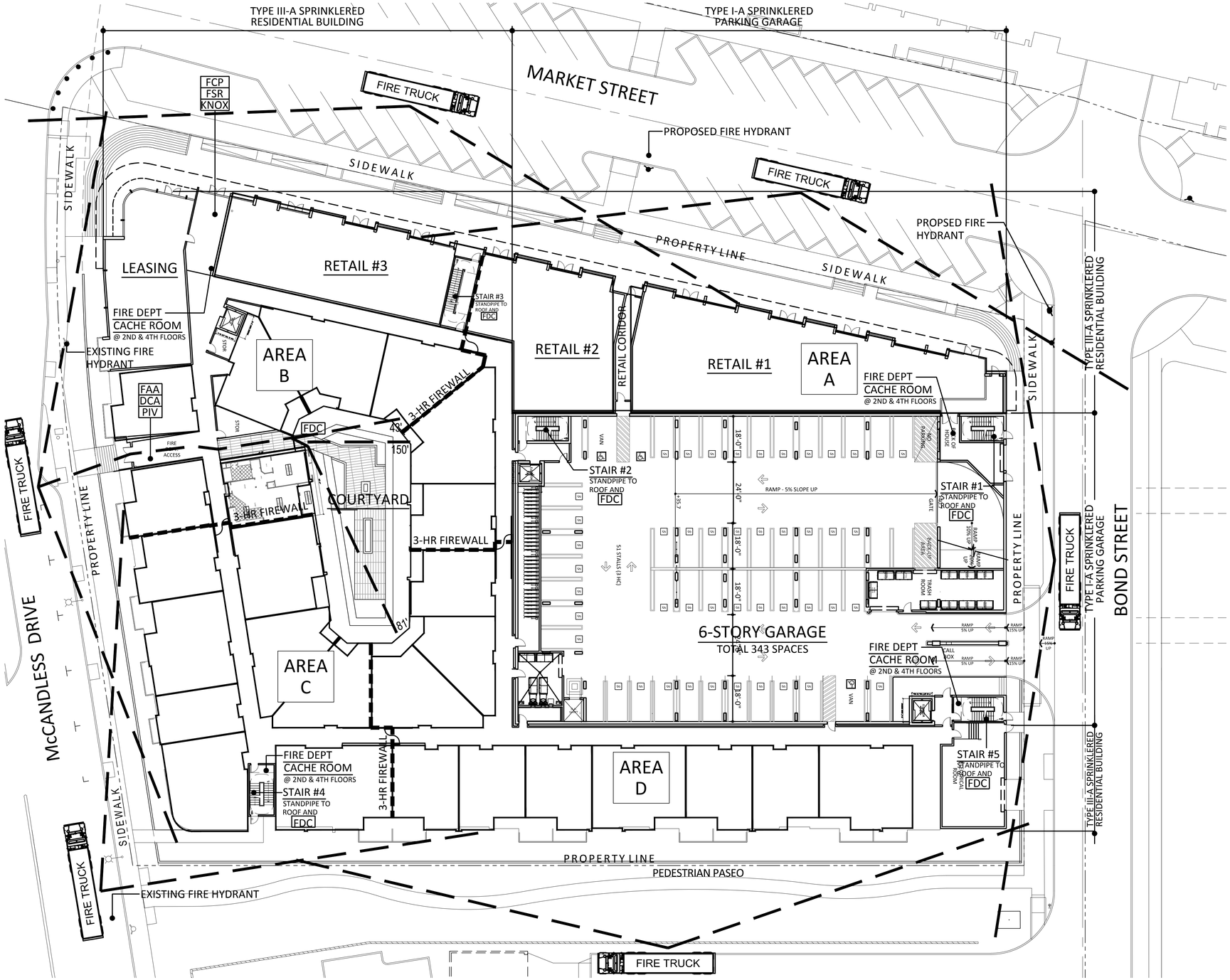


HAULING TRUCK DIAGRAM



1ST FLOOR TRASH ROOM AREA PLAN

N
0' 1' 2' 3' 4' 5' 10'
SCALE : 1/4" = 1'-0"



FIRE DEPARTMENT NOTES:

1. PROJECTS HAVING MORE THAN 200 UNITS MAY REQUIRE MORE THAN TWO FIRE APPARATUS ACCESS ROADS.

2. FIRE APPARATUS ACCESS ROADS SHALL HAVE A MINUMUM UNOBSTRUCTED 26'.

3. NO SOURCE OF ACCESS FROM LANDS ADJOINING A PROPERTY TO BE DEVELOPED SHALL BE CONSIDERED UNLESS THERE IS OBTAINED THE IRREVOCABLE AND UNOBSTRUCTED RIGHT TO USE SAME.

4. FIRE APPARATUS ACCESS ROADS SHALL MEET THE MILPITAS FIRE DEPARTMENT TURNING RADII GUIDELINES AND SHALL PROVIDE CONTINUOUS APPARATUS TRAVEL. TURNING RADII SHALL BE MINIMUM 48'-6" FOR OUTSIDE RADIUS AND 28' FOR INSIDE RADIUS. THE LAYOUT FOR THE OUTSIDE AND INSIDE RADIUS SHALL BE FROM THE SAME CENTER POINT.

5. FIRE APPARATUS ACCESS ROADS / LANES AND EMERGENCY VEHICLE ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS (SUTPHEN S95) AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER CAPABILITIES.

6. NO PARKING IN FIRE ACCESS ROADS. THE REQUIRED ACCESS ROAD SHALL BE DESIGNATED AND CLEARLY MARKED AS A FIRE LANE.

7. PROJECT IS OF TYPE IA CONSTRUCTION WITH A NFPA 13 SPRINKLER SYSTEM AND MEETS THE LIFE SAFETY PROVISION FOR HIGHRISE.

8. ROAD LOAD CAPACITY SHALL BE DESIGNED TO PROVIDE WEIGHT-BEARING CAPACITY FOT SUTPHEN S95 (62,500 LBS)

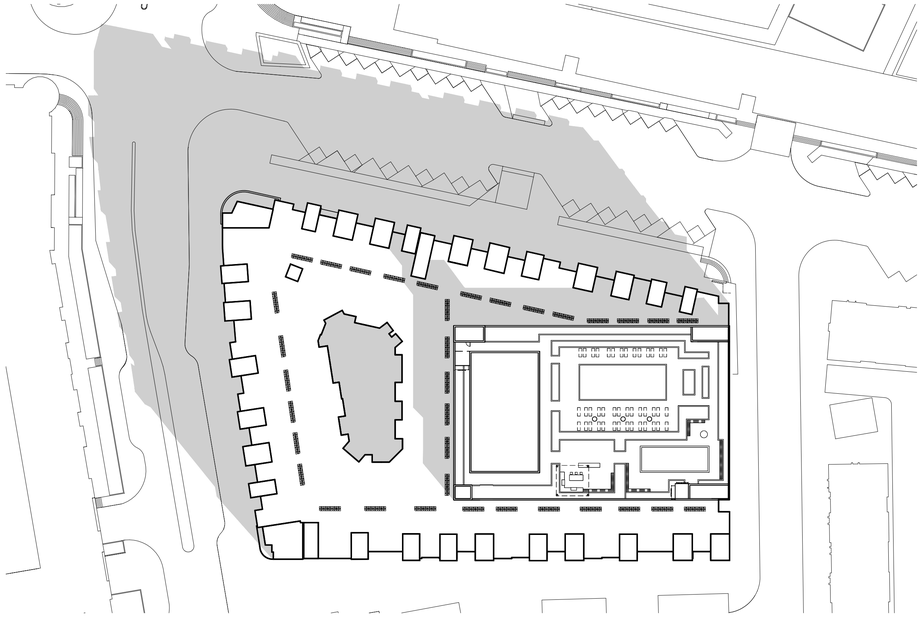
9. ALL STAIRS TO BE CONTINUOUS FROM THE GROUND FLOOR TO THE ROOF.

DRAWING LEGEND:

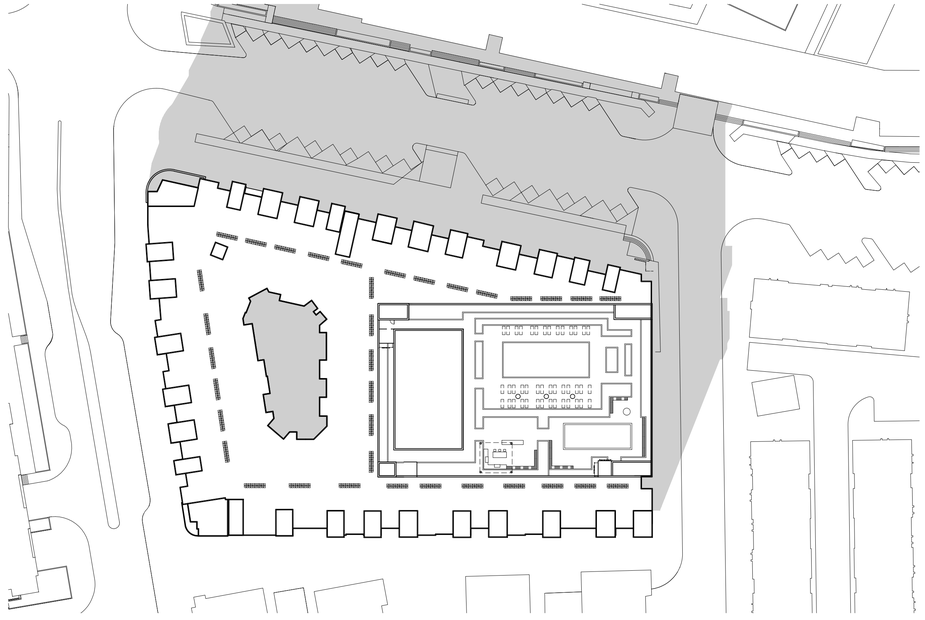
- FIRE TRUCK — FIRE TRUCK
- 150' REACH OF FIRE HOSE
- 3-HR RATED FIRE WALL
- FIRE HYDRANT
- FDC — FIRE DEPARTMENT CONNECTION
- KNOX — KNOX BOX - BOTTOM LOCATED 5'-0" ABOVE FLOOR
- FCP — FIRE CONTROL PANEL
- FSR — FIRE SPRINKLER RISER
- FAA — REMOTE FIRE ALARM ANNUNCIATOR
- DCA — DOUBLE DETECTOR CHECK VALVE ASSEMBLY
- PIV — POST INDICATOR VALVE

N 0' 5' 10' 20' 30' 40'
SCALE : 1:20

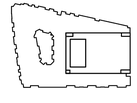
FIRE ACCESS DIAGRAM

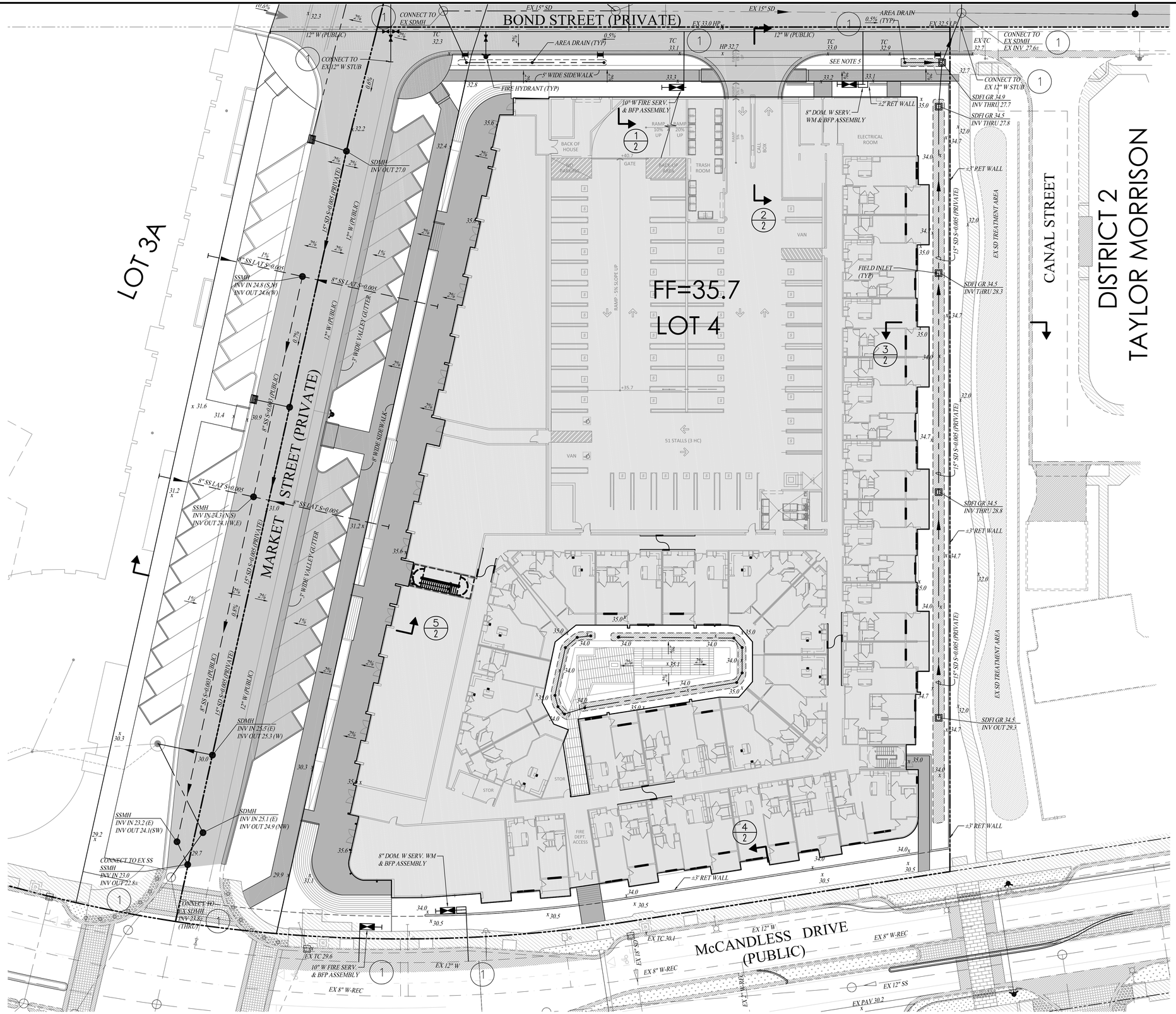


10 AM DECEMBER 22ND



2 PM DECEMBER 22ND





1 NEW UTILITY CONNECTION

NOTES:

1. GRADING, SURFACE IMPROVEMENTS, AND UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. ALL GRADES ARE BASED ON FINAL FLOOD STUDY BY SCHAAF AND WHEELER DATED OCTOBER 5, 2015.
3. UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
4. FINAL PIPE SIZES, ELEVATIONS AND LENGTHS ARE SUBJECT TO CHANGE; TO BE CONFIRMED DURING FINAL DESIGN.
5. DEPRESSED CURB AT SOLID WASTE STAGING AREA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

CONCEPTUAL GRADING, DRAINAGE AND UTILITY PLAN
DISTRICT 1 – LOT 4
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

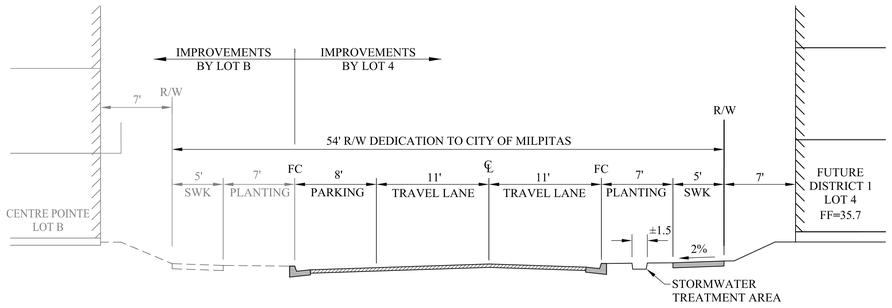
SCALE	DATE
	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
C1
OF 2 SHEETS

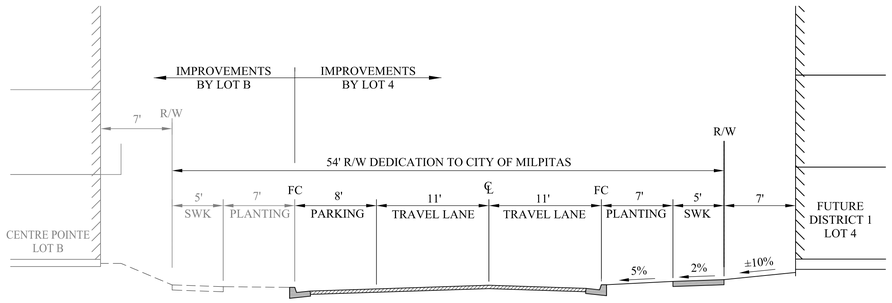
JOB NO. 072030

W:\JOBS 07\072030\072030 LOTS 2 & 4\DRAWINGS\PRELIM\GRADING & DRAINAGE 2015\LOT 4\C1-GRADING, DRAINAGE & UTILITY PLAN - LOT 4.DWG



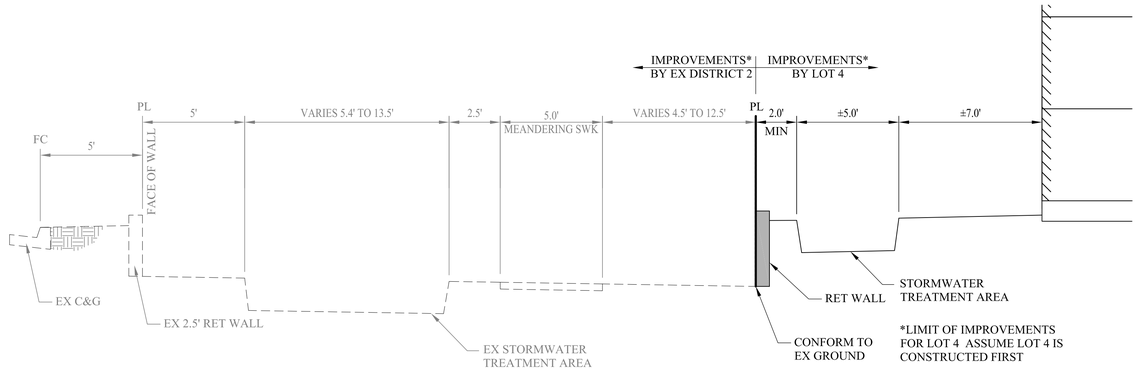
1 - BOND STREET (PRIVATE)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.
LIMIT OF IMPROVEMENTS FOR LOT 4 ASSUME LOT 3A IS CONSTRUCTED FIRST.

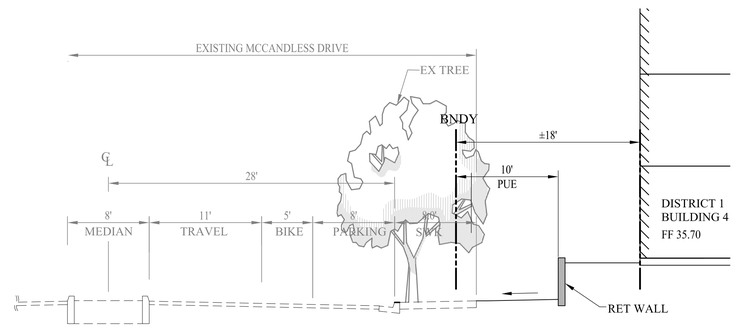


2 - ENTRANCE RAMP AT BOND STREET
NO SCALE

NOTE:
LIMIT OF IMPROVEMENTS FOR LOT 4 ASSUME LOT 3A IS CONSTRUCTED FIRST.

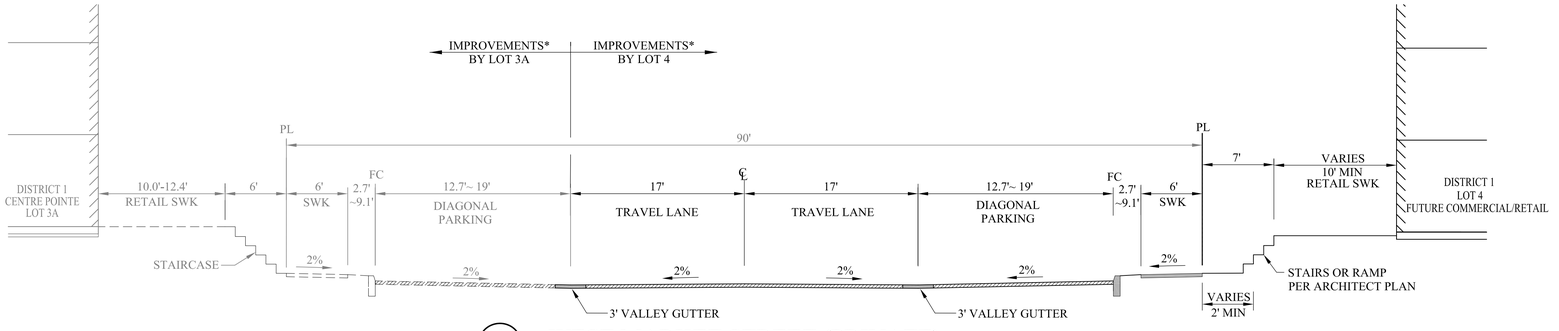


3 - SOUTH BOUNDARY
NO SCALE



4 - McCANDLESS DRIVE PUBLIC
NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.



5 - WEST MARKET STREET (PRIVATE)
NO SCALE

NOTE:
*LIMIT OF IMPROVEMENTS FOR LOT 4 ASSUME LOT 4 IS CONSTRUCTED FIRST.

RUGGERI-JENSEN-AZAR
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8055 CAMINO ARROYO GILROY, CA 95020
PHONE (408) 846-0300 FAX (408) 846-0302

SECTIONS
DISTRICT 1 – LOT 4
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

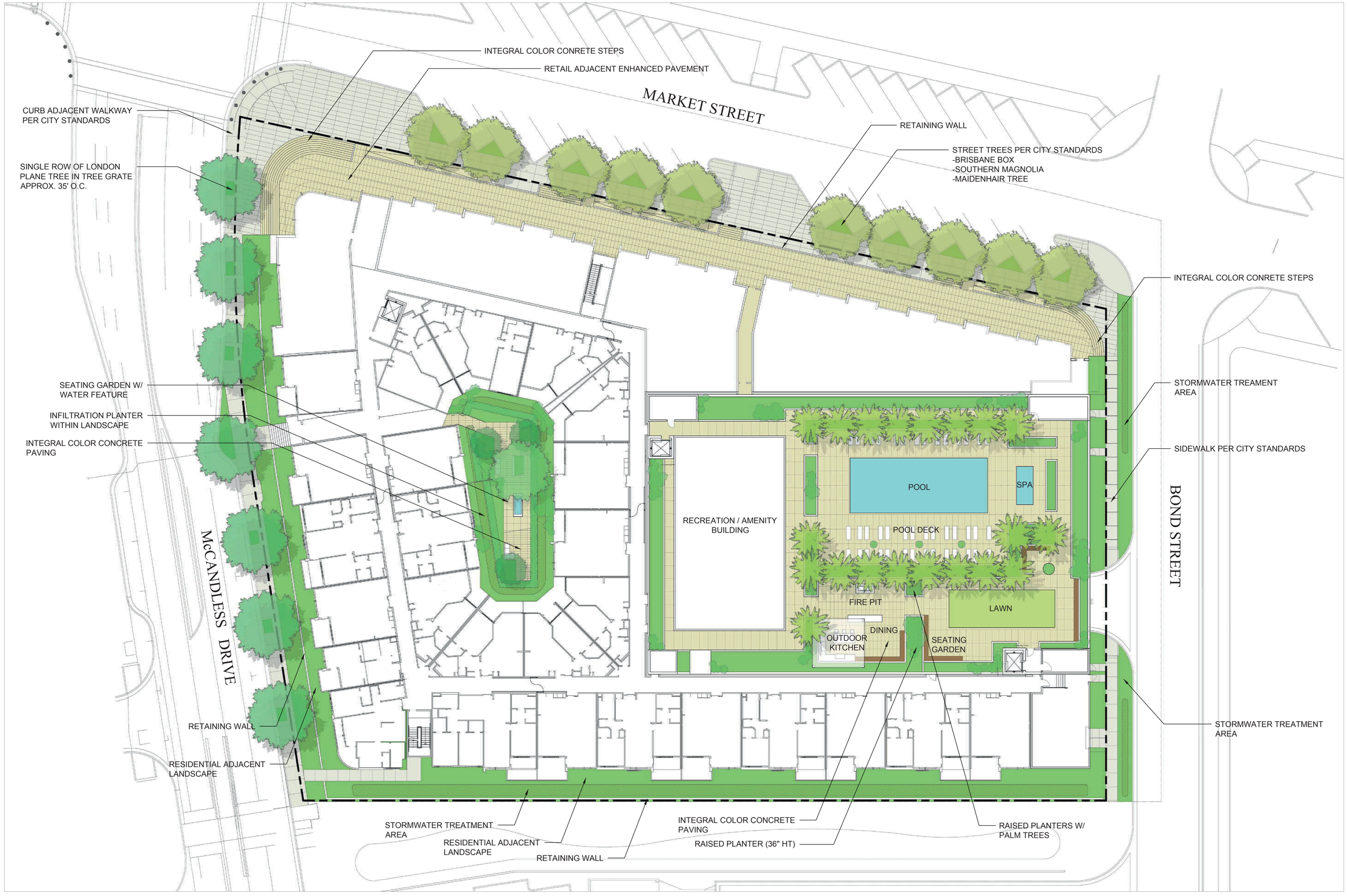
SCALE	DATE
	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
C2
OF 2 SHEETS

JOB NO.
072030

W:\JOBS 07\072030\072030 LOTS 2 & 4\DRAWINGS\PRELIM\GRADING & DRAINAGE 2015\LOT 4\C2 SECTIONS – LOT 4.DWG



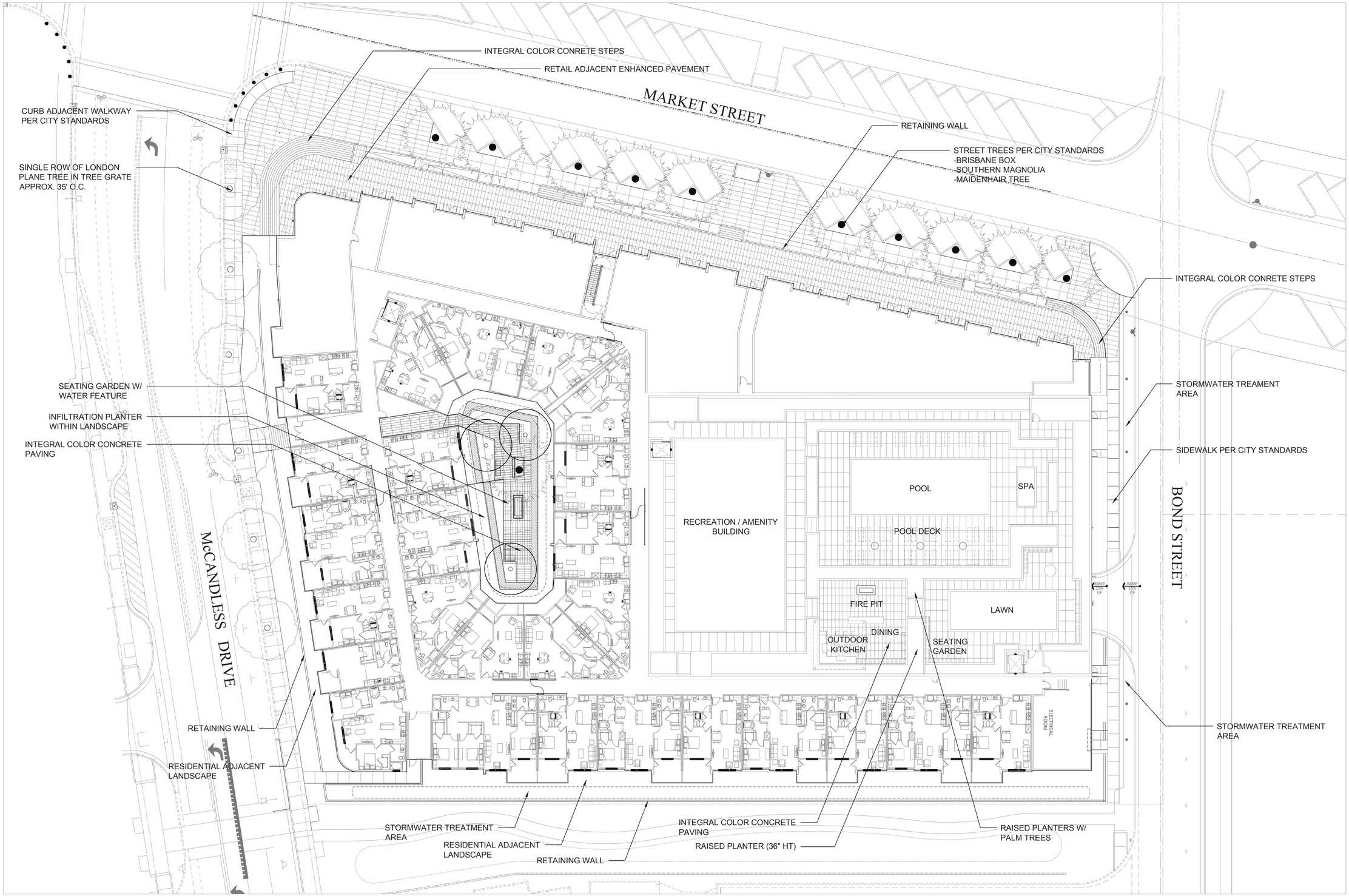
N 0' 10' 20' 40' 80

SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT4

COE ARCHITECTURE INTERNATIONAL

October 5, 2015



N

0' 10' 20' 40' 80

SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT4

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

PRELIMINARY PLANT PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
TREES			
Arbutus unedo	Strawberry Tree	36" Box	LOW
Lagerstroemia indica	Crape Myrtle	48" Box Multi	MED
Magnolia grandiflora 'Russet'	Southern Magnolia	60" Box	MED
Platanus x Acerfolia 'Columbia'	London Plane Tree	36" Box	MED
Tristania conferta	Brisbane Box	36" Box	MED
SHRUBS			
Agapanthus africanus 'Blue'	Lily-Of-The-Nile	1 Gal.	MED
Agapanthus africanus 'White'	Lily-Of-The-Nile	1 Gal.	MED
Asparagus densiflorus 'Myers'	Meyers Asparagus	5 Gal.	MED
Bambusa multiplex 'Alphonse Karr'	Alphonse Karr Bamboo	24" Box	MED
Bambusa oldhamii	Giant Timber Bamboo	24" Box	MED
Buxus microphylla japonica 'Winter Gem'	Japanese Boxwood	5 Gal.	MED
Dianella tasmanica 'Variegata'	Variegated Flax Lily	1 Gal.	MED
Dietes bicolor	African Iris	15 Gal.	LOW
Dietes vegeta 'Variegata'	Varoegated Fortnight Lily	15 Gal.	LOW
Dodonaea viscosa 'Saratoga'	Purple Hopseed Bush	15 Gal.	LOW
Escallonia 'Fradesii'	Escallonia	15 Gal.	MED
Grewia occidentalis	Grewia	15 Gal. Columnar	MED
Hemerocallis 'Double Orange'	Orange Daylily	5 Gal.	MED
Hemerocallis 'Lemon Yellow'	Yellow Daylily	5 Gal.	MED
Ligustrum japonicum 'Texanum'	Texas Waxleaf Privet	15 Gal.	MED
Liriope muscari 'Sunproof'	Liriope 'Sunproof'	5 Gal.	MED
Muhlenbergia capillaris	Pink Muhly	1 Gal.	LOW
Muhlenbergia rigens	Deer Grass	5 Gal.	LOW
Nandina domestica 'Gulf Stream'	Dwarf Heavenly Bamboo	5 Gal.	LOW
Pennisetum s. 'Eaton Canyon'	Dwarf Purple Fountain Grass	5 Gal.	MED
Phormium tenax 'Atropureum'	New Zealand Flax	15 Gal.	LOW
Phormium tenax 'Duet'	New Zealand Flax	15 Gal.	LOW
Phormium tenax 'Maori Queen'	New Zealand Flax	15 Gal.	LOW
Pittosporum tobira 'Cream de Mint'	Dwarf Variegated Tobira	5 Gal.	LOW
Pittosporum tobira 'Variegata'	Variegated Tobira	15 Gal.	LOW
Podocarpus macrophyllus 'Maki'	Shrubby Yew Pine	15 Gal.	MED
Rhaphiolepis indica 'Spring Rapture'	India Hawthorn	5 Gal.	LOW
Rosa 'Iceberg'	White Iceberg Rose	15 Gal.	MED
Viburnum tinus 'Spring Bouquet'	Compact Lauristinus	15 Gal.	MED
GROUNDCOVERS, TURF, AND VINES			
Carex tumulicola	Berkeley Sedge	1 Gal. 18" O.C.	MED
Ficus pumila	Creeping Fig	1 Gal. Staked	MED
Marathon iiE	Turf	Sod- Rolls	HIGH
Vinca major 'Alba'	White Periwinkle	1 Gal. 2' O.C.	MED
Vinca major 'Purple'	Purple Periwinkle	1 Gal. 2' O.C.	MED

URBAN ARENA SDP

Sheet List Table

Sheet Number	Sheet Title
ACS.0	ARCHITECTURAL INDEX SHEET
ACS.1-ACS.4	ARCHITECTURAL RENDERING AND MATERIALS BOARD
A0.1	CENTRE POINTE SITE B ARCHITECTURAL SITE PLAN
A0.2	CENTRE POINTE SITE C ARCHITECTURAL SITE PLAN
A0.3	HOURET ARCHITECTURAL SITE PLAN
A1.0	CENTRE POINTE SITE B - UA FLATS 1 & 2 - 1ST & 2ND FLOOR
A1.1	CENTRE POINTE SITE B - UA FLATS 1 & 2 - 3RD & 4TH FLOOR
A1.2	CENTRE POINTE SITE B - UA FLATS 3 & 4 - 1ST & 2ND FLOOR
A1.3	CENTRE POINTE SITE B - UA FLATS 3 & 4 - 3RD & 4TH FLOOR
A1.4	CENTRE POINTE SITE B - UA FLATS 5 - FLOOR PLANS
A2.0	CENTRE POINTE SITE B - UA FLATS 6-PLEX COMPOSITE PLANS
A2.1	CENTRE POINTE SITE B - UA FLATS 6-PLEX COMPOSITE ELEVATIONS
A3.0	CENTRE POINTE SITE B - UA FLATS 7-PLEX COMPOSITE PLANS
A3.1	CENTRE POINTE SITE B - UA FLATS 7-PLEX COMPOSITE PLANS
A3.2	CENTRE POINTE SITE B -UA FLATS 7-PLEX COMPOSITE ELEVATIONS
A3.3	CENTRE POINTE SITE B - UA FLATS 7-PLEX COMPOSITE ELEVATIONS
A4.0	CENTRE POINTE SITE B - UA FLATS 8-PLEX COMPOSITE PLANS
A4.1	CENTRE POINTE SITE B - UA FLATS 8-PLEX COMPOSITE PLANS
A4.2	CENTRE POINTE SITE B - UA FLATS 8-PLEX COMPOSITE ELEVATIONS
A4.3	CENTRE POINTE SITE B - UA FLATS 8-PLEX COMPOSITE ELEVATIONS
A11.0	CENTRE POINTE SITE C - UA LOFT 1 & 2 - 1ST FLOOR
A11.1	CENTRE POINTE SITE C - UA LOFTS 1 & 2 - 2ND & 3RD FLOOR
A11.2	CENTRE POINTE SITE C - UA LOFTS 1 & 2 - 3RD & 4TH FLOOR
A11.3	CENTRE POINTE SITE C - UA LOFT 3 - 1ST 2ND & 3RD FLOOR
A11.4	CENTRE POINTE SITE C - UA LOFT 3A - 3RD & 4TH FLOOR
A11.5	CENTRE POINTE SITE C - UA LOFT 4 - 1ST 2ND & 3RD FLOOR
A11.6	CENTRE POINTE SITE C - UA LOFT 4 - 3RD & 4TH FLOOR
A12.0	CENTRE POINTE SITE C - UA LOFT 5-PLEX COMPOSITE PLANS
A12.1	CENTRE POINTE SITE C - UA LOFT 5-PLEX COMPOSITE ELEVATIONS
A13.0	CENTRE POINTE SITE C - UA LOFT 8-PLEX COMPOSITE PLANS
A13.1	CENTRE POINTE SITE C - UA LOFT 8-PLEX COMPOSITE PLANS
A13.2	CENTRE POINTE SITE C - UA LOFT 8-PLEX COMPOSITE ELEVATIONS
A14.0	CENTRE POINTE SITE C - UA LOFT 9-PLEX COMPOSITE PLANS
A14.1	CENTRE POINTE SITE C - UA LOFT 9-PLEX COMPOSITE PLANS
A14.2	CENTRE POINTE SITE C - UA LOFT 9-PLEX COMPOSITE ELEVATIONS
A15.0	CENTRE POINTE SITE C - UA LOFT 10-PLEX COMPOSITE PLANS
A15.1	CENTRE POINTE SITE C - UA LOFT 10-PLEX COMPOSITE PLANS
A15.2	CENTRE POINTE SITE C- UA LOFT 10-PLEX COMPOSITE ELEVATIONS
A15.3	CENTRE POINTE SITE C- UA LOFT 10-PLEX COMPOSITE ELEVATIONS
A16.0	CENTRE POINTE SITE C - UA LOFT 11-PLEX COMPOSITE PLANS
A16.1	CENTRE POINTE SITE C - UA LOFT 11-PLEX COMPOSITE PLANS
A16.2	CENTRE POINTE SITE C - UA LOFT 11-PLEX COMPOSITE PLANS ALT
A16.3	CENTRE POINTE SITE C- UA LOFT 11-PLEX COMPOSITE ELEVATIONS
A16.4	CENTRE POINTE SITE C- UA LOFT 11-PLEX COMPOSITE ELEVATIONS
A16.5	CENTRE POINTE SITE C- UA LOFT 11-PLEX COMPOSITE ELEV ALT.
A16.6	CENTRE POINTE SITE C- UA LOFT 11-PLEX COMPOSITE ELEV ALT.
A21.0	HOURET - UA TOWNS - UNIT 1
A21.1	HOURET - UA TOWNS - UNIT 1A
A21.2	HOURET - UA TOWNS - UNIT 2
A21.3	HOURET - UA TOWNS - UNIT 2A
A21.4	HOURET - UA TOWNS - UNIT 3
A21.5	HOURET - UA TOWNS - UNIT 3A
A22.0	HOURET - UA TOWNS - 2-PLEX COMPOSITE PLANS
A22.1	HOURET - UA TOWNS - 2-PLEX COMPOSITE ELEVATIONS
A23.0	HOURET - UA TOWNS - 5-PLEX COMPOSITE PLANS
A23.1	HOURET - UA TOWNS - 5-PLEX COMPOSITE ELEVATIONS
A24.0	HOURET - UA TOWNS - 6-PLEX COMPOSITE PLANS
A24.1	HOURET - UA TOWNS - 6-PLEX COMPOSITE PLANS
A24.2	HOURET - UA TOWNS - 6-PLEX COMPOSITE ELEVATIONS
A25.0	HOURET - UA TOWNS - 7-PLEX COMPOSITE PLANS
A25.1	HOURET - UA TOWNS - 7-PLEX COMPOSITE PLANS
A25.2	HOURET - UA TOWNS -7-PLEX COMPOSITE PLANS 4TH FLOOR
A25.3	HOURET - UA TOWNS - 7-PLEX COMPOSITE ELEVATIONS
A25.4	HOURET - UA TOWNS - 7-PLEX ELEVATIONS 4TH FLOOR OPT
A26.0	HOURET - UA TOWNS - 8-PLEX COMPOSITE PLANS
A26.1	HOURET - UA TOWNS - 8-PLEX COMPOSITE PLANS
A26.2	HOURET - UA TOWNS - 8-PLEX COMPOSITE ELEVATIONS
L.01	OVERALL BACKBONE TREE LAYOUT
L.02	DISTRICT 1 - LOT 2 BACKBONE TREE LAYOUT
L.03	DISTRICT 1 - LOT 4 BACKBONE TREE LAYOUT
L.04	DISTRICT CENTRE POINTE - LOT 3 BACKBONE TREE LAYOUT
L.05	CENTRE POINTE - LOT B BACKBONE TREE LAYOUT
L.06	CENTRE POINTE - LOT C BACKBONE TREE LAYOUT
L.07	HOURET 1 - BACKBONE TREE LAYOUT
L.08	HOURET 2 - BACKBONE TREE LAYOUT
L.09	CENTRE POINTE & HOURET CROSS SECTIONS
B.L - 01 to 03	LOT B - CONCEPTUAL LANDSCAPE PLANS
C.L - 01 to 03	LOT C - CONCEPTUAL LANDSCAPE PLANS
H.L - 01 to 03	HOURET - CONCEPTUAL LANDSCAPE PLANS

FILE NAME: S:\2015 Projects\15-097 Centre Pointe - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\ACS.1 Centre Pointe Cover Sheet Render.dwg

DATE/TIME OF PLOT: 10/5/2015 8:45:54 AM

SITE DEVELOPMENT PERMIT

Sheet List Table

THE FOLLOWING SEPARATELY BOUND SETS ARE INCLUDED IN THIS PACKAGE:	
Sheet Number	Sheet Title
LOT 2	ARCHITECTURE, CIVIL AND LANDSCAPING
LOT 3A	ARCHITECTURE AND LANDSCAPING
LOT 4	ARCHITECTURE, CIVIL AND LANDSCAPING

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Lofr F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90

NORTH

ARCHITECTURAL INDEX SHEET

SDP
Sheet no.
ACS.00

DISTRICT LOT 2
2.55 AC
3,480 SF OF REATIL
218 RENTAL UNITS
84.5 DU/ACRE

DISTRICT LOT 4
2.71 AC
13,941 SF OF RETAIL
173 RENTAL UNITS
63.8 DU/ACRE

CENTRE POINT SITE A/
DISTRICT LOT 3
5.50 ACRES
HOTEL-175 ROOMS
56,982 SF OF RETAIL
423 RENTAL UNITS
77.0 DU/AC

TOTAL FOR RENT UNITS: 814

CENTRE POINT SITE B
4.72 ACRES
UA FLATS 3 & 4 STORY
105 FOR SALE UNITS
22.2 DU/ACRE

CENTRE POINT SITE C
5.78 ACRES
UA LOFT SPLIT 3 & 4 STORY
136 FOR SALE UNITS
23.5 DU/ACRE

HOURET
5.62 ACRES
UA TOWNS 3 & 4 STORY
114 FOR SALE UNITS
20.28 DU/ACRE

TOTAL FOR SALE UNITS: 355

GRAND TOTAL:

UNITS: 1,169

RETAIL: 74,403 SF
HOTEL:175 ROOMS

ACRES: 26.65 AC
DENSITY:43.64 DU/AC

Apartments for rent
Bulding 2 & 4 - 5 Floors
Building 3 - 10 Floors

4-Story
for sale

3-Story
for sale

Ground-Floor Retail
Building 2 & 4
4 Floors Residential Above
Building 3
9 Floors Residential Above

9- Story
Hotel

Recreation
Building

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA

UA JOB # 12-060

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1"=60'-0"
0 30 60 120 180

NORTH

OVERALL SITE PLAN

Sheet no.
District - Centre Pointe - Houret
ACS.0

LOT B- MODERN LOFTS

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
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SCALE: 1" = 30'-0"
0 15 30 60 90

ARCHITECTURAL RENDERING

Sheet no.
District - Centre Pointe - Houret
ACS.1

DATE/TIME OF PLOT: 10/1/2015 2:52:15 PM
FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\ACS.1 Centre Pointe Cover Sheet Render.dwg

DATE/TIME OF PLOT: 10/1/2015 2:52:20 PM
FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\ACS.1 Centre Pointe Cover Sheet Render.dwg

LOT C- RIVERWALK VILLAGE

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T 714 754 4500 F 714 754 4545
Orange County · San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90

ARCHITECTURAL RENDERING

Sheet no.
District - Centre Pointe - Houret
ACS.2

DATE/TIME OF PLOT: 10/5/2015 7:37:43 AM
FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\ACS.1 Centre Pointe Cover Sheet Render.dwg

HOURET - UA TOWNS

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue • Loft F
Costa Mesa, California 92626
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Orange County • San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90

ARCHITECTURAL RENDERING

SDP
Sheet no.
ACS.3

20/30 CEMENT PLASTER EXTERIOR
FINISH – 10 OMEGA WHITE

CEMENT BOARD EXTERIOR VERTICAL SIDING
HARDI SELECT SMOOTH
GREY

CEMENT BOARD EXTERIOR HORIZONTAL
SIDING - HARDI SELECT SMOOTH
EVENING BLUE

STANDING SEAM SLOPING
METAL ROOF

METAL AWNINGS
SW 6119 ANTIQUE WHITE

FIBERGLASS ENTRY DOORS
SW 7033 BRAINSTROM BRONZE

FIBERGLASS ENTRY DOORS/
COLLUMS/BEAMS & CORBELS
SW 6990 CAVIAR

PAINTED METAL TRELLIS
SW 6990 CAVIAR

GUARD RAILS WITH HEAVY GUAGE
METAL WIRE MESH
SW 6990 CAVIAR

MATERIAL LIST
CENTREPOINTE B
MODERN LOFTS OPT. A

LYON COMMUNITIES
URBAN ARENA

20/30 CEMENT PLASTER EXTERIOR
FINISH – 10 OMEGA WHITE

CEMENT BOARD EXTERIOR VERTICAL SIDING
HARDI SELECT SMOOTH
GREY

CEMENT BOARD EXTERIOR HORIZONTAL
SIDING - HARDI SELECT SMOOTH
CHESTNUT BROWN

STANDING SEAM SLOPING
METAL ROOF

METAL AWNINGS
SW 6034 ARRESTING AUBURN

TRIM SW 6990 CAVIAR

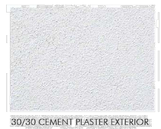
FIBERGLASS ENTRY
DOORS/COLLUMS & BEAMS
SW 6328 FIREWEED

PAINTED METAL TRELLIS
SW 6328 FIREWEED

GUARD RAILS WITH HEAVY GUAGE
METAL WIRE MESH
SW 6990 CAVIAR

MATERIAL LIST
CENTREPOINTE B
MODERN LOFTS OPT. B

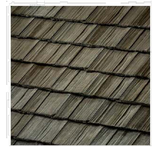
LYON COMMUNITIES
URBAN ARENA



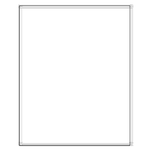
30/30 CEMENT PLASTER EXTERIOR
FINISH – 10 OMEGA WHITE

CEMENT BOARD EXTERIOR HORIZONTAL
SIDING – HARDI SELECT SMOOTH
KHAKI BROWN

CEMENT BOARD EXTERIOR HORIZONTAL
SIDING - HARDI SELECT SMOOTH
ARTIC WHITE



ASPHALT SHINGLE SLOPING ROOF
BORAL MADERA – MOUNTAINWOOD



TRIM/COLLUMS/BEAMS & CORBELS
SW 7006 EXTRA WHITE

FIBERGLASS ENTRY DOORS
SW 6244 NAVAL

FIBERGLASS ENTRY DOORS
SW 6328 FIREWEED

GALVANIZED METAL LOUVER
AWNINGS - POWDER COATED

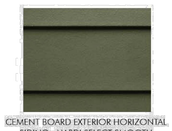
GALVANIZED METAL RAILING - PAINTED
SW 7006 EXTRA WHITE

MATERIAL LIST
CENTREPOINT C
RIVERWALK VILLAGE

LYON COMMUNITIES
URBAN ARENA

20/30 CEMENT PLASTER EXTERIOR
FINISH – 10 OMEGA WHITE

CEMENT BOARD EXTERIOR VERTICAL SIDING
HARDI SELECT SMOOTH
IRON GRAY



CEMENT BOARD EXTERIOR HORIZONTAL
SIDING - HARDI SELECT SMOOTH
MOUNTAIN SAGE

STANDING SEAM SLOPING
METAL ROOF

METAL AWNINGS
SW 6120 BELIEVABLE BUFF

FIBERGLASS ENTRY DOORS
SW 6244 NAVAL

FIBERGLASS ENTRY DOORS/
COLLUMS/BEAMS & CORBELS
SW 6990 CAVIAR

BRICK VENEER SIDING
EL DORADO
TUNDRABRICK – HARTFORD

GUARD RAILS WITH HEAVY GUAGE
METAL WIRE MESH
SW 6990 CAVIAR

MATERIAL LIST
HOURET
UA TOWNS

LYON COMMUNITIES
URBAN ARENA

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\ACS.1 Centre Pointe Cover Sheet Render.dwg

DATE/TIME OF PLOT: 10/1/2015 2:52:30 PM

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

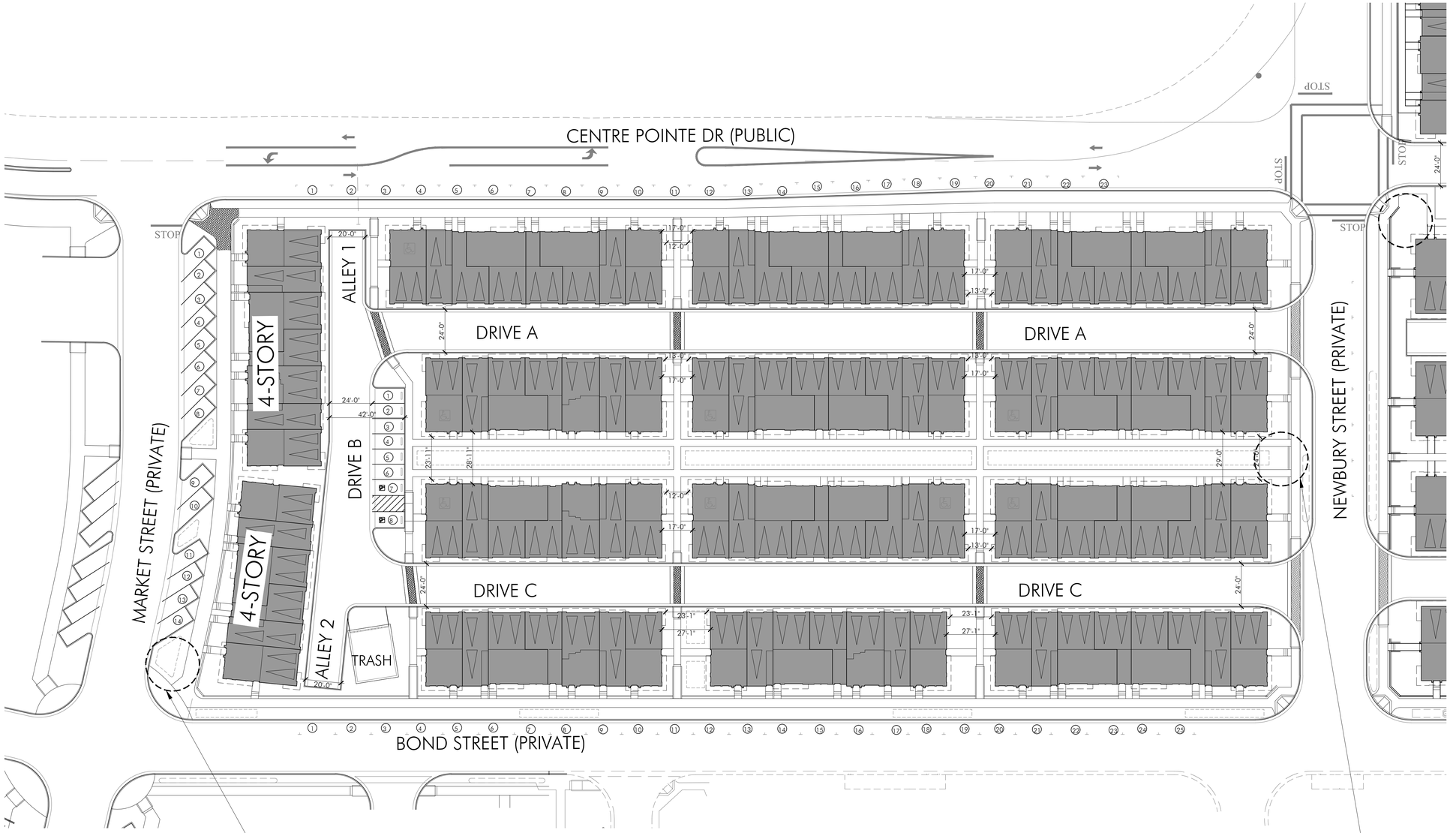
Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90

ARCHITECTURAL MATERIALS BOARD

Sheet no.
District - Centre Pointe - Houret
ACS.4



SITE SUMMARY

Unit Count:	Lot B -	105 Units
Site Area:	Lot B -	4.72 AC
Density:	Lot B -	22.25 U/AC

*Does not count Newbury St in Site Area Calcs.

BUILDING SUMMARY:

BUILDING TYPE	COUNT	TOTAL UNITS
6-PLEX (4 STORY)	1	6
7-PLEX (4 STORY)	1	7
7-PLEX	4	28
8-PLEX	8	64
TOTAL UNITS		105 UNITS

UNIT SUMMARY:

PLAN NO.	SQ.FT.	COUNT	TOTAL SQ. FT.
PLAN 1	1,445	24	34,680
PLAN 1A	1,950	4	7,800
PLAN 2	1,547	28	43,316
PLAN 3	1,907	20	38,140
PLAN 3A	2,411	2	4,822
PLAN 4	2,193	22	48,246
PLAN 5	1,957	4	7,828
PLAN 5A	2,216	1	2,216
TOTAL UNITS		105 UNITS	187,048 SQ. FT.

PARKING SUMMARY:

SITE B:
PARKING REQUIRED:
105 3Br Units X 1.6= 168 Req'd.
Guest: 105 x .20= 21 Req'd.
Total Req'd.= 189 Req'd.
PARKING PROVIDED:
2 Car Garage Spaces= 210 Prov'd.
Tandem Garages= 28 Garages (27%)
Std 2-Car Garages= 182 Garages

Uncovered Guest Parking Space= 8 Prov'd.
Bond St. Guest Parking = 25 Prov'd.
Centre Pointe Dr Guest Parking = 23 Prov'd
Sub Total Prov'd.=. 56 Prov'd.
Total= 266 Prov'd.
*Accessible Spaces Req'd.= 266x .02=5

Per Zoning Section 53- 50% of Private Garages may be Tandem.

Note:
-See Landscape and Civil Plans for other info.
-This Site Plan is Preliminary only and is subject to further Engineering and City Review
-S.F. is subject to change.

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A0.1-Centre Point B and C Site Plans.dwg
DATE/TIME OF PLOT: 10/5/2015 7:38:05 AM

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

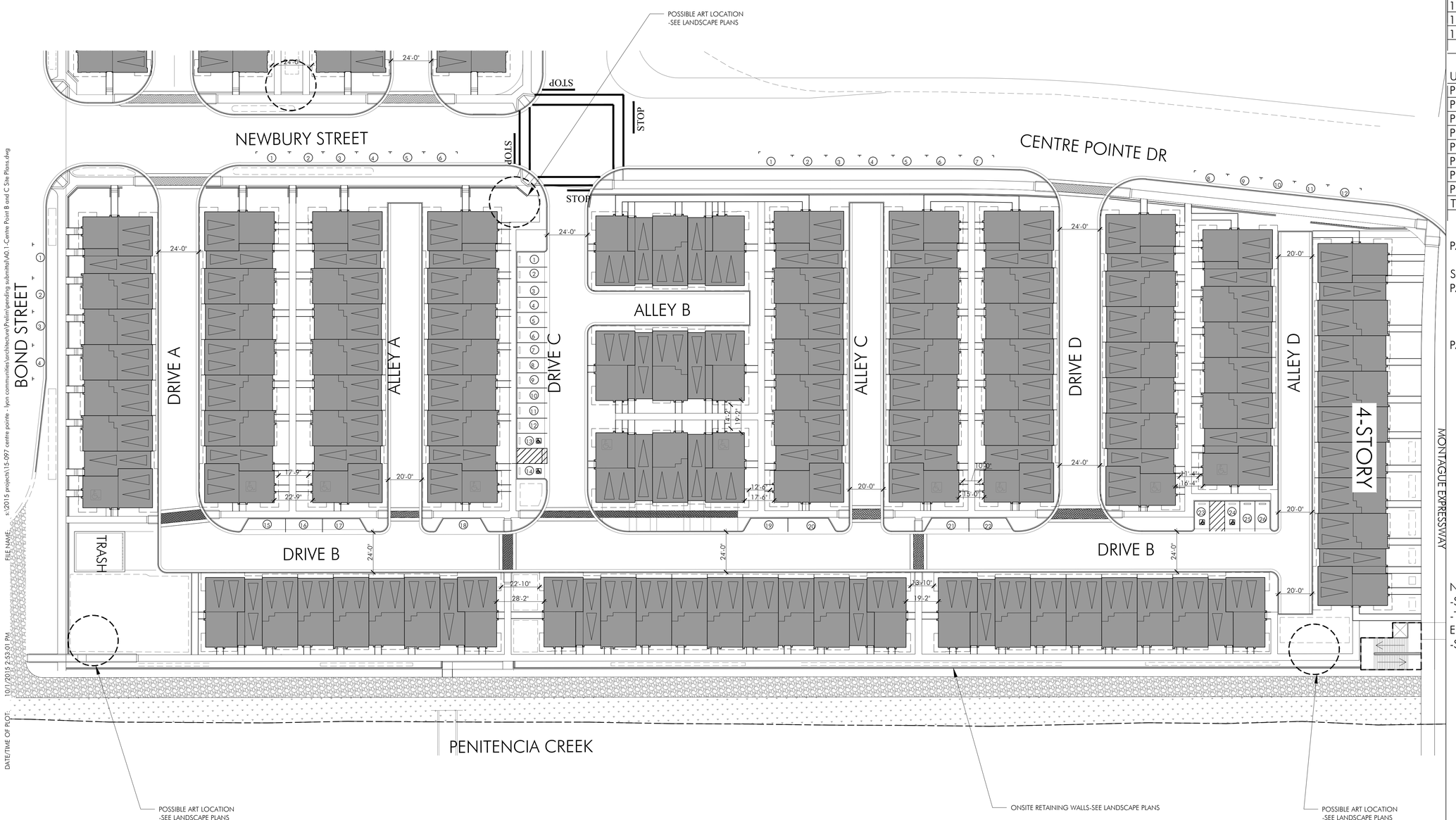
Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90
NORTH

CENTRE POINTE SITE B
ARCHITECTURAL SITE PLAN

SDP
Sheet no.
A0.1



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10/1/2015 2:53:01 PM
DATE/TIME OF PLOT:

SITE SUMMARY

Unit Count: Lot C - 136 Units
Site Area: Lot C - 5.78 AC
Density: Lot C - 23.53 U/AC

*Does not count Newbury St in Site Area Calcs.

BUILDING SUMMARY:

BUILDING TYPE	COUNT	TOTAL UNITS
5-PLEX	3	15
8-PLEX	1	8
9-PLEX	9	81
10-PLEX	1	10
11-PLEX	1	11
11-PLEX (4 STORY)	1	11
TOTAL UNITS		136 UNITS

UNIT SUMMARY:

PLAN NO.	SQ.FT.	COUNT	TOTAL SQ. FT.
PLAN 1	1,486	32	47,552
PLAN 2	1,707	30	51,210
PLAN 2A	2,070	2	4,040
PLAN 3	1,902	26	49,452
PLAN 3A	2,312	3	6,936
PLAN 4	2,114	39	82,446
PLAN 4A	2,513	4	10,052
TOTAL UNITS		136 UNITS	251,688 SQ. FT.

PARKING SUMMARY:

SITE C:
PARKING REQUIRED:
136 3Br Units X 1.6= 218 Req'd.
Guest: 136 x .20= 28 Req'd.
Total Req'd.= 246 Req'd.
PARKING PROVIDED:
2 Car Garage Spaces= 272 Prov'd.
Tandem Garages= 32 Garages (24%)
Std 2-Car Garages= 104 Garages

Uncovered Guest Parking Space= 26 Prov'd.
Newbury St. Guest Parking = 6 Prov'd.
Centre Pointe Dr Guest Parking = 12 Prov'd
Bond St Guest Parking = 4 Prov'd

Sub Total Prov'd.=. 48 Prov'd.
Total= 320 Prov'd.
*Accessible Spaces Req'd.= 320 x .02=6

Per Zoning Section 53- 50% of Private Garages may be Tandem.

Note:
-See Landscape and Civil Plans for other info.
-This Site Plan is Preliminary only and is subject to further Engineering and City Review
-S.F. is subject to change.

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90
NORTH

CENTRE POINTE SITE C
ARCHITECTURAL SITE PLAN

Sheet no.
District - Centre Pointe - Houret
A0.2

SITE SUMMARY

Unit Count:	Total -	114 Units
Site Area:	Total -	5.62 AC
Density:	Total -	20.28 DU/AC

BUILDING SUMMARY:

BUILDING TYPE	COUNT	TOTAL UNITS
2-PLEX	2	4
5-PLEX	2	10
6-PLEX	12	72
7-PLEX	2	14
7-PLEX (4 STORY)	2	14
TOTAL UNITS		114 UNITS

UNIT SUMMARY:

PLAN NO.	SQ.FT.	COUNT	TOTAL SQ. FT.
PLAN 1	1,791	30	53,730
PLAN 1A	2,153	4	8,612
PLAN 2	1,908	34	64,872
PLAN 2A	2,286	6	13,716
PLAN 3	2,057	36	74,052
PLAN 3A	2,459	4	9,836
TOTAL UNITS		114 UNITS	224,818 SQ. FT.

BUILDING CODE SUMMARY:
Const. Type: Type VA, 1 Hr., Type VB Non-Rated
Sprinklers: Type NFPA 13
Fire Wall: Yes @ 7-Plex, (Area Separation)
Adaptable Units: 12 Total Req'd. (114 x.10)= 12
12 Provided-See Plan

PARKING SUMMARY:
PARKING REQUIRED:
114 3Br Units X 1.6= 183 Req'd.
Guest: 114 x .20= 23 Req'd.
Total Req'd.= 206 Req'd.
PARKING PROVIDED:
2 Car Garage Spaces= 228 Prov'd.
Tandem Garages= 0 Garages (0% Tandem)
Std 2-Car Garages= 114 Garages

Uncovered Guest Parking Space= 28 Prov'd.
Houret Drive Guest Parking= 4 Prov'd
Total= 260 Prov'd.
*Accessible Spaces Req'd.= 260x .02=5
Per Zoning Section 53- 50% of Private Garages may be Tandem.

Note:
-See Landscape and Civil Plans for other info.
-This Site Plan is Preliminary only and is subject to further Engineering and City Review
-S.F. is subject to change.

FILE NAME: S:\2015 Projects\15-104 Houret - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\A0.2 Houret 1 and 2 Arch Site Plans.dwg
DATE/TIME OF PLOT: 11/12/2015 2:18:06 PM

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA

UA JOB # 15-104

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"
0 15 30 60 90

NORTH

HOURET ARCHITECTURAL SITE PLAN

SDP
Sheet no.
A0.3

SITE SUMMARY

Unit Count:	Total -	114 Units
Site Area:	Total -	5.62 AC
Density:	Total -	20.28 DU/AC

BUILDING SUMMARY:

BUILDING TYPE	COUNT	TOTAL UNITS
2-PLEX	2	4
5-PLEX	2	10
6-PLEX	12	72
7-PLEX	2	14
7-PLEX (4 STORY)	2	14
TOTAL UNITS		114 UNITS

UNIT SUMMARY:

PLAN NO.	SQ.FT.	COUNT	TOTAL SQ. FT.
PLAN 1	1,791	30	53,730
PLAN 1A	2,153	4	8,612
PLAN 2	1,908	34	64,872
PLAN 2A	2,286	6	13,716
PLAN 3	2,057	36	74,052
PLAN 3A	2,459	4	9,836
TOTAL UNITS		114 UNITS	224,818 SQ. FT.

BUILDING CODE SUMMARY:
Const. Type: Type VA, 1 Hr., Type VB Non-Rated
Sprinklers: Type NFPA 13
Fire Wall: Yes @ 7-Plex, (Area Separation)
Adaptable Units: 12 Total Req'd. (114 x.10)= 12
12 Provided-See Plan

PARKING SUMMARY:
PARKING REQUIRED:
114 3Br Units X 1.6= 183 Req'd.
Guest: 114 x .20= 23 Req'd.
Total Req'd.= 206 Req'd.
PARKING PROVIDED:
2 Car Garage Spaces= 228 Prov'd.
Tandem Garages= 0 Garages (0% Tandem)
Std 2-Car Garages= 114 Garages

Uncovered Guest Parking Space= 28 Prov'd.
Houret Drive Guest Parking= 4 Prov'd
Total= 260 Prov'd.
*Accessible Spaces Req'd.= 260x .02=5
Per Zoning Section 53- 50% of Private Garages may be Tandem.

Note:
-See Landscape and Civil Plans for other info.
-This Site Plan is Preliminary only and is subject to further Engineering and City Review
-S.F. is subject to change.

DATE/TIME OF PLOT: 11/12/2015 2:18:06 PM
FILE NAME: S:\2015 Projects\15-104 Houret - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\A0.2 Houret 1 and 2 Arch Site Plans.dwg

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA

UA JOB # 15-104

URBAN ARENA
3195 Red Hill Avenue - Loft F
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SCALE: 1" = 30'-0"
0 15 30 60 90

NORTH

HOURET ARCHITECTURAL SITE PLAN

SDP
Sheet no.
A0.3

PLAN 1 SUMMARY

Flats

FLAT
- GARAGE: 2 CAR TANDEM
- 2 BEDROOMS/2 BATHS

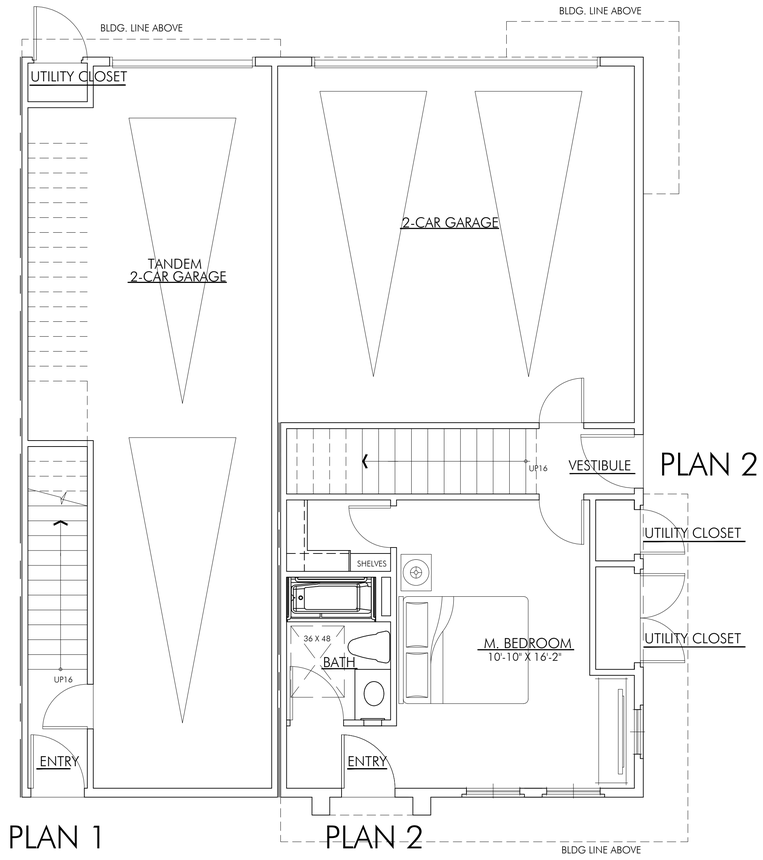
- 1ST. FLOOR :	87 S.F.
- 2ND. FLOOR :	55 S.F.
- 3RD. FLOOR :	1,303 S.F.
- TOTAL :	1,445 S.F.
- ALT. LOFT	505 S.F.
- TOTAL :	1,950 S.F.
- BALCONY :	153 S.F.
- GARAGE :	510 S.F.

PLAN 2 SUMMARY

Flats

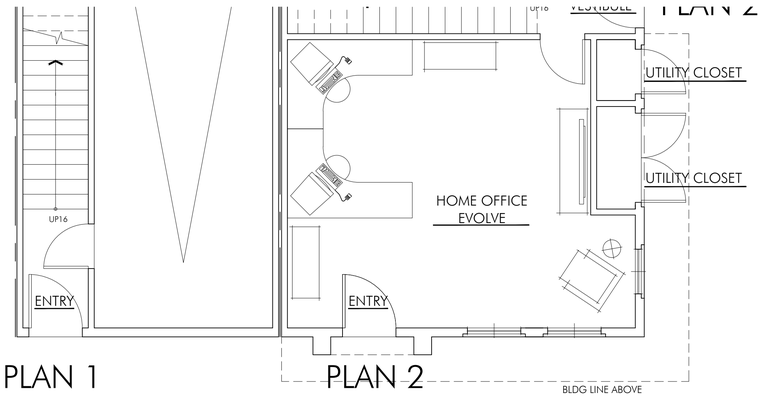
FLAT
- GARAGE: 2 CAR STANDARD
- 2 BEDROOMS/2 BATHS
- HOME OFFICE/OPT. 3 BEDRM.

- 1ST. FLOOR :	402 S.F.
- 2ND. FLOOR :	1,145 S.F.
- TOTAL :	1,547 S.F.
- BALCONY A:	86 S.F.
- BALCONY B:	153 S.F.
- GARAGE :	420 S.F.

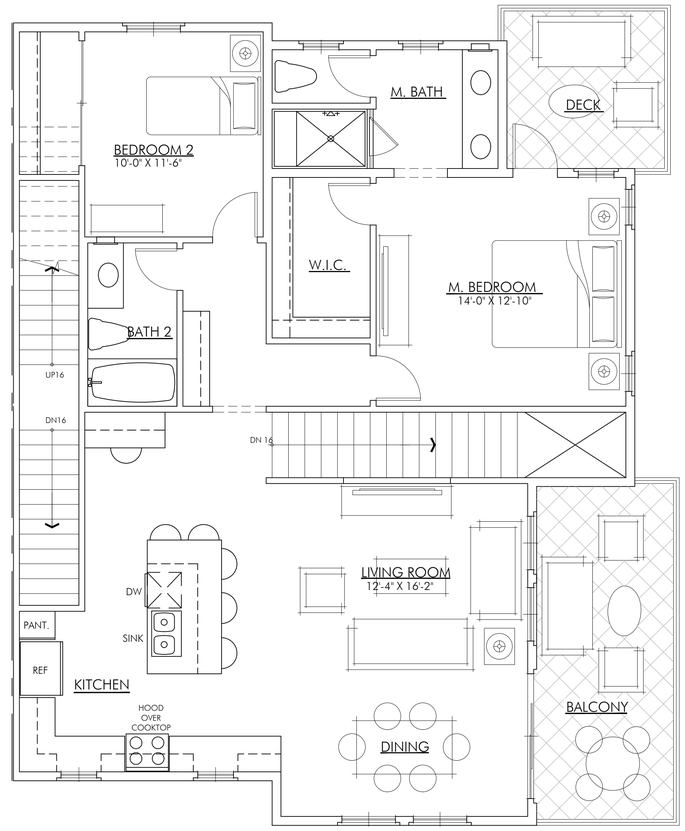


1st FLOOR

Flats



1st FLOOR - ALT. OFFICE



PLAN 2

2nd FLOOR

Flats

— DISTRICT - CENTRE POINTE - HOURET

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4901 Birch Street, Newport Beach, CA 92660

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0 2 4 8 12

CENTRE POINTE SITE B - UA FLATS 1 & 2 - 1ST & 2ND FLOOR

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A1.0

DATE/TIME OF PLOT: 10/1/2015 2:53:24 PM
FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A1.0-UA Flats Unit Plans 1 and 2.dwg

PLAN 1 SUMMARY

Flats

FLAT
- GARAGE: 2 CAR TANDEM
- 2 BEDROOMS/2 BATHS

- 1ST. FLOOR :	87 S.F.
- 2ND. FLOOR :	55 S.F.
- 3RD. FLOOR :	1,303 S.F.
- TOTAL :	1,445 S.F.
- ALT. LOFT	505 S.F.
- TOTAL :	1,950 S.F.
- BALCONY :	153 S.F.
- GARAGE :	510 S.F.

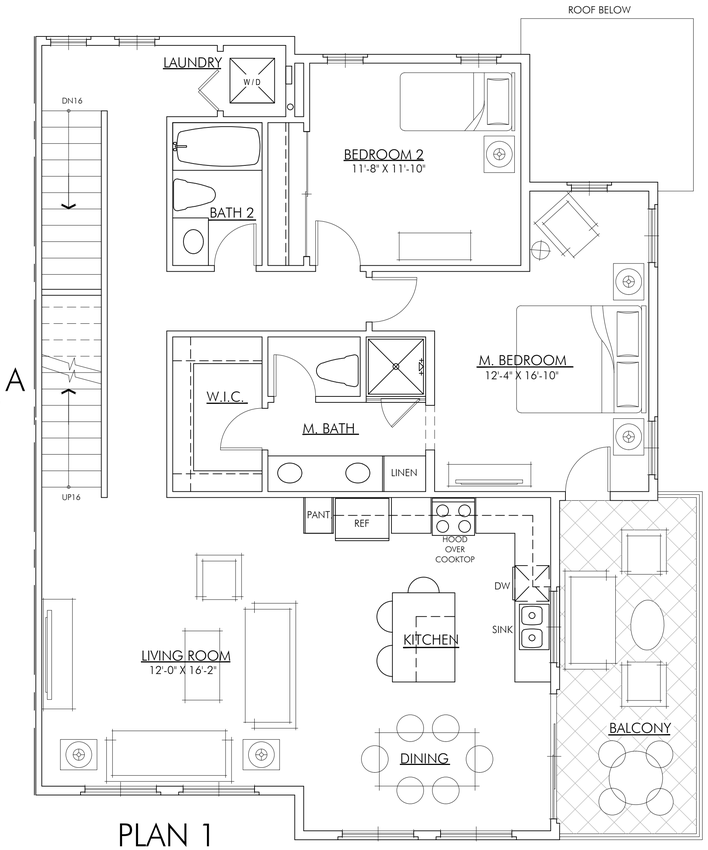
PLAN 2 SUMMARY

Flats

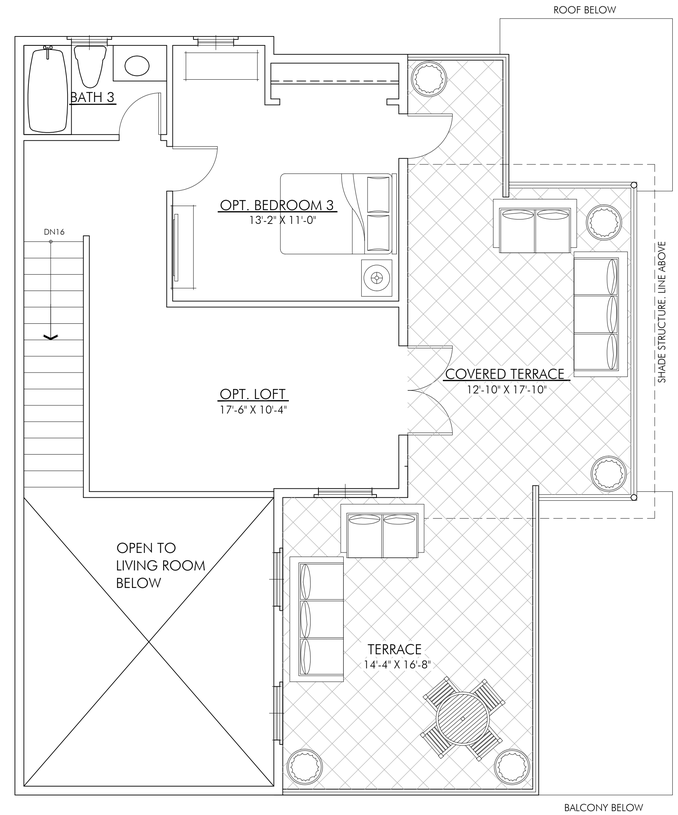
FLAT
- GARAGE: 2 CAR STANDARD
- 2 BEDROOMS/2 BATHS
- HOME OFFICE/OPT. 3 BEDRM.

- 1ST. FLOOR :	402 S.F.
- 2ND. FLOOR :	1,145 S.F.
- TOTAL :	1,547 S.F.
- BALCONY A:	86 S.F.
- BALCONY B:	153 S.F.
- GARAGE :	420 S.F.

PLAN 1A
WITH STAIRS



PLAN 1



PLAN 1A

3rd FLOOR
Flats

4th FLOOR (ALTERNATE LOFT)
Flats

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0 2 4 8 12

CENTRE POINTE SITE B - UA FLATS 1 & 2 - 3RD & 4TH FLOOR

Sheet no.
District - Centre Pointe - Houret
A1.1

PLAN 3 SUMMARY

Flats

FLAT
- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS/2.5 BATHS
- ALT. 4TH FLOOR LOFT/BONUS ROOM

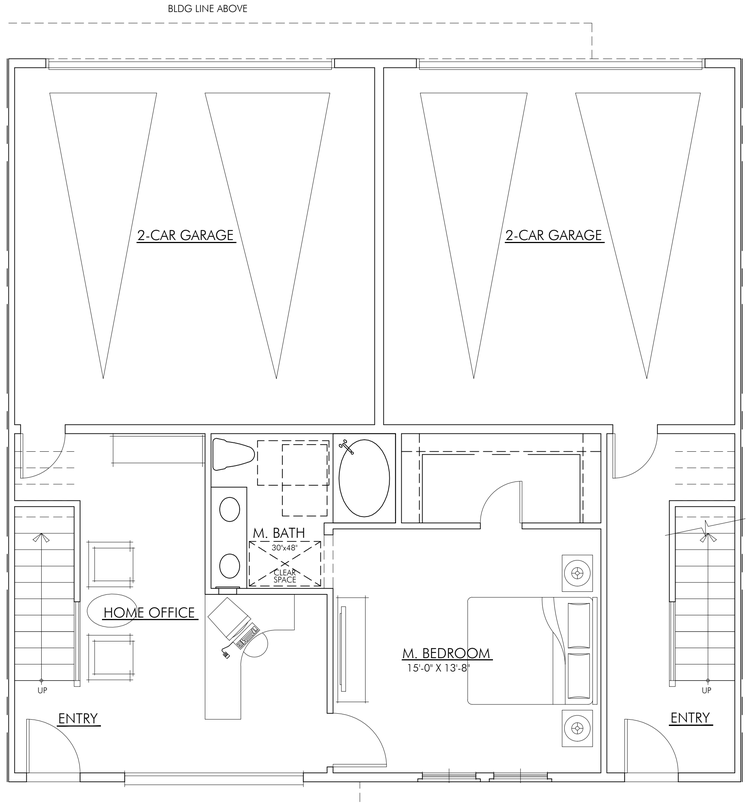
- 1ST. FLOOR :	159 S.F.
- 2ND. FLOOR :	76 S.F.
- 3RD. FLOOR :	1,672 S.F.
- TOTAL :	1,907 S.F.
- 4TH FLOOR :	504 S.F. (ALT. LOFT 3A)
- TOTAL :	2,411 S.F.
- BALCONY :	129 S.F.
- GARAGE :	438 S.F.

PLAN 4 SUMMARY

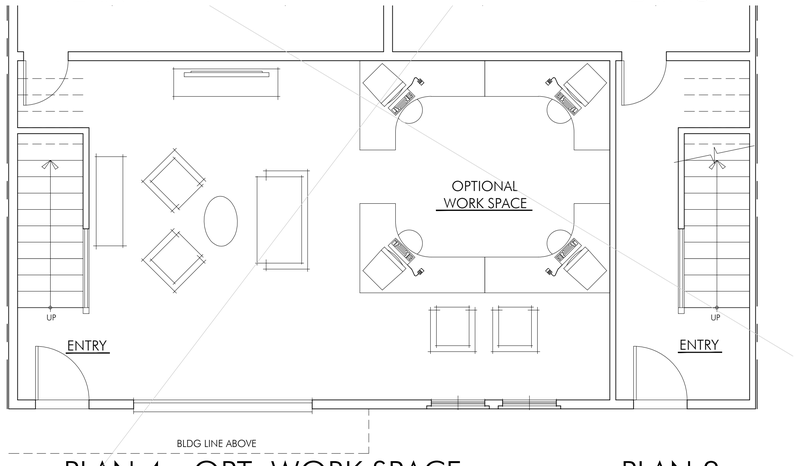
Flats

FLAT
- GARAGE: 2 CAR STANDARD
- 2 BEDROOMS/2.5 BATHS
- HOME OFFICE/ALT. BEDROOM 3

- 1ST. FLOOR :	657 S.F.
- 2ND. FLOOR :	1,536 S.F.
- TOTAL :	2,193 S.F.
- BALCONY :	129 S.F.
- GARAGE :	441 S.F.



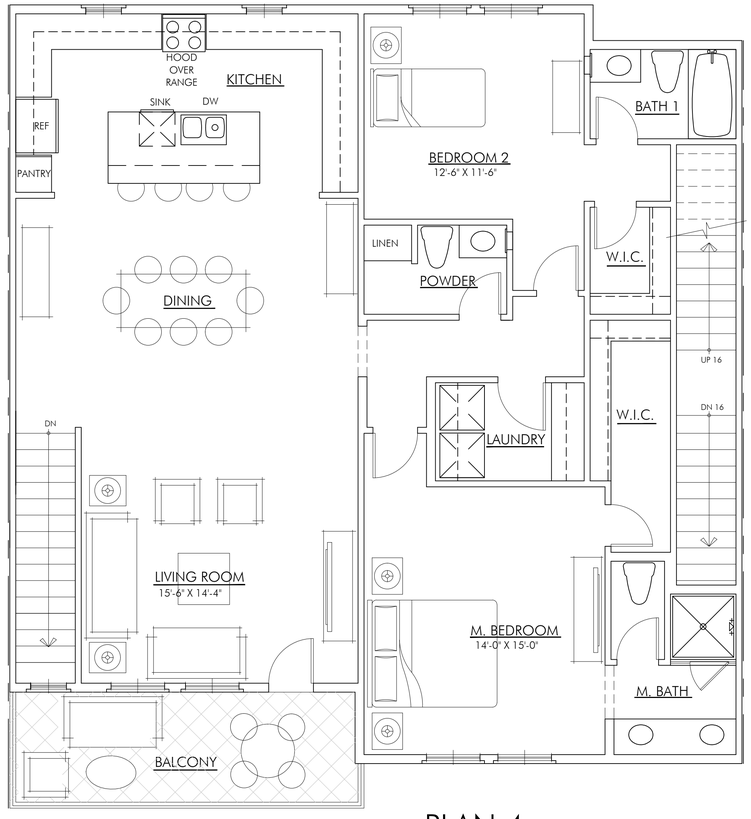
PLAN 4 PLAN 3



PLAN 4 - OPT. WORK SPACE PLAN 3

1st FLOOR

Flats



PLAN 4

2nd FLOOR

Flats

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4901 Birch Street, Newport Beach, CA 92660

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0 2 4 8 12

CENTRE POINTE SITE B - UA FLATS 3 & 4 - 1ST & 2ND FLOOR

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A1.2

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A1.2-UA Flats Unit Plans 3 and 4.dwg
DATE/TIME OF PLOT: 10/1/2015 2:53:32 PM

PLAN 3 SUMMARY

Flats

FLAT
- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS/2.5 BATHS
- ALT. 4TH FLOOR LOFT/BONUS ROOM

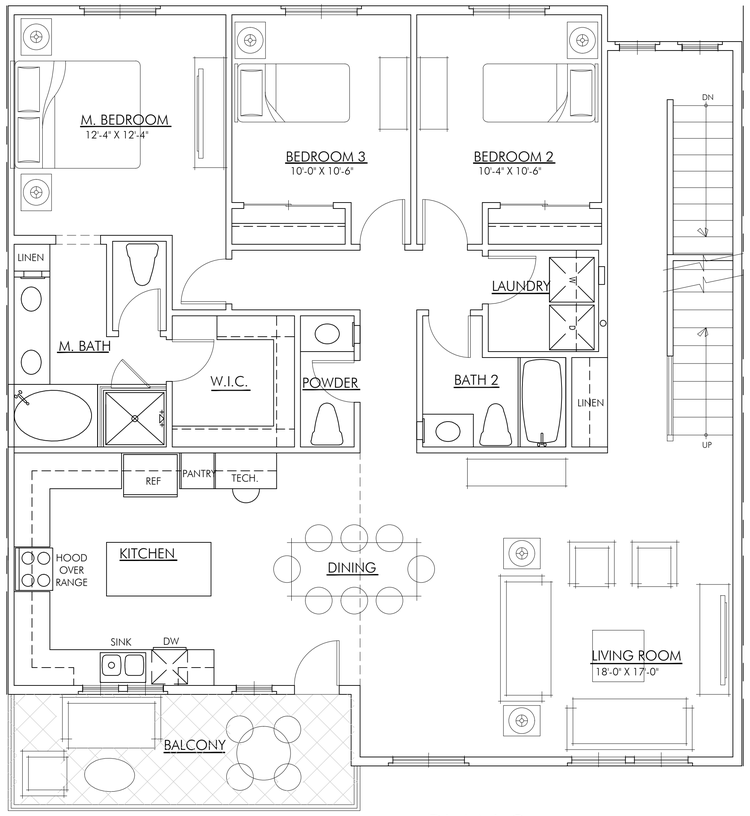
- 1ST. FLOOR :	159 S.F.
- 2ND. FLOOR :	76 S.F.
- 3RD. FLOOR :	1,672 S.F.
- TOTAL :	1,907 S.F.
- 4TH FLOOR :	504 S.F. (ALT. LOFT 3A)
- TOTAL :	2,411 S.F.
- BALCONY :	129 S.F.
- GARAGE :	438 S.F.

PLAN 4 SUMMARY

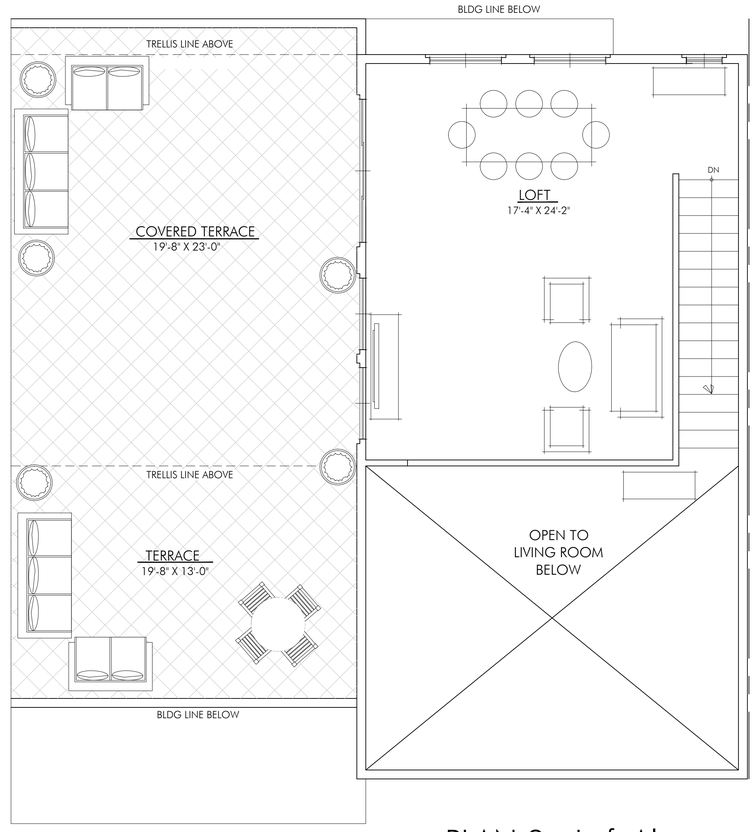
Flats

FLAT
- GARAGE: 2 CAR STANDARD
- 2 BEDROOMS/2.5 BATHS
- HOME OFFICE/ALT. BEDROOM 3

- 1ST. FLOOR :	657 S.F.
- 2ND. FLOOR :	1,536 S.F.
- TOTAL :	2,193 S.F.
- BALCONY :	129 S.F.
- GARAGE :	441 S.F.



PLAN 3



PLAN 3 - Loft Alternate

3rd FLOOR

Flats

4th FLOOR (ALTERNATE LOFT)

Flats

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A1.2-UA Flats Unit Plans 3 and 4.dwg

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0 2 4 8 12

CENTRE POINTE SITE B - UA FLATS 3 & 4 - 3RD & 4TH FLOOR

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District - Centre Pointe - Houret
A1.3

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A1.4-UA Split Unit Plan.dwg
DATE/TIME OF PLOT: 10/1/2015 2:53:42 PM

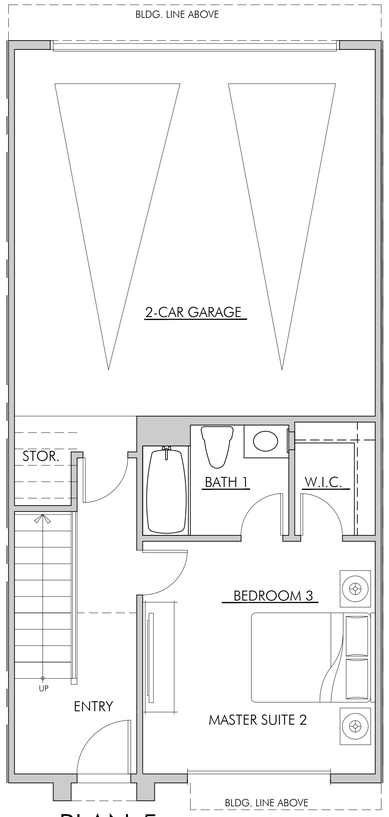
PLAN 5 SUMMARY

UA Loft Splits

TOWNHOME
- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS/3.5 BATHS

- 1ST. FLOOR :	375 S.F.
- 2ND. FLOOR :	697 S.F.
- 3RD. FLOOR :	885 S.F.
- SUB TOTAL :	1,957 S.F.
- 4TH FLOOR :	259 S.F.
- TOTAL :	2,216 S.F.

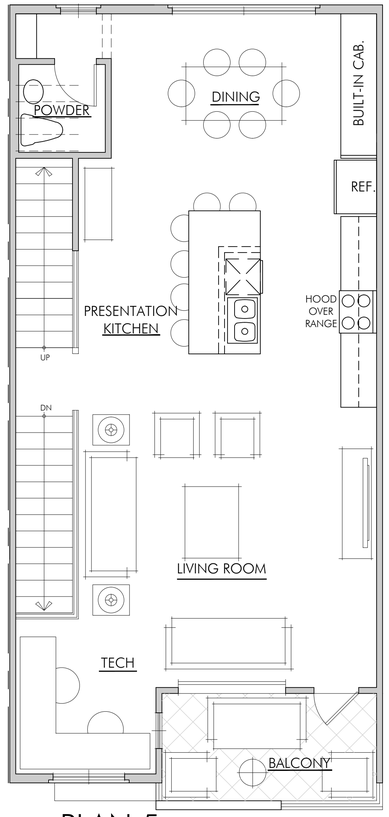
- TERRACE :	242 S.F.
- BALCONY :	140 S.F.
- GARAGE :	459 S.F.



PLAN 5

1st FLOOR

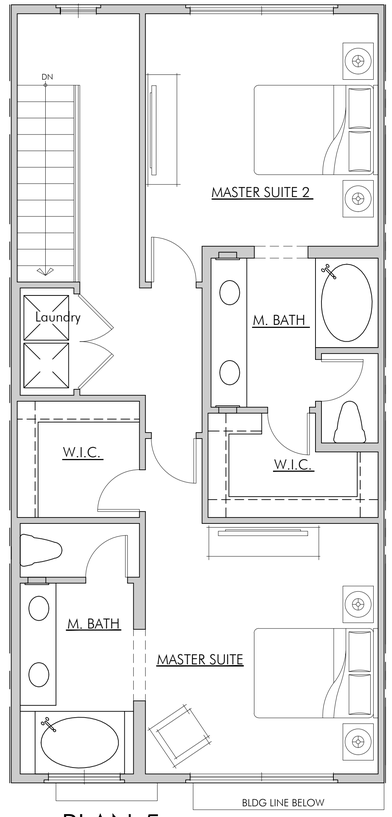
UA Loft Splits



PLAN 5

2nd FLOOR

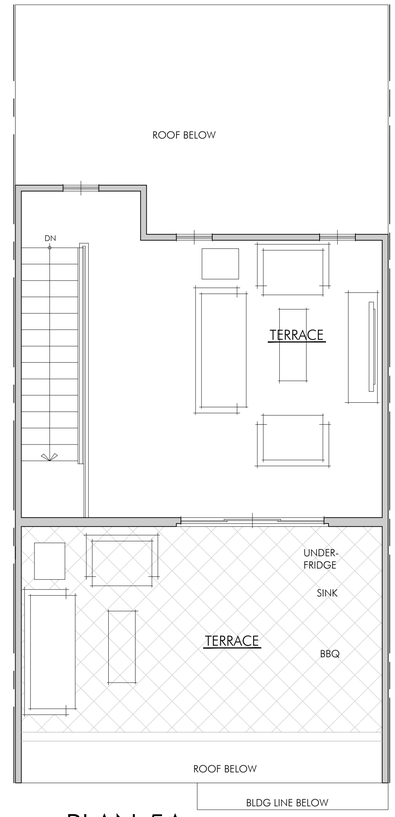
UA Loft Splits



PLAN 5

3rd FLOOR

UA Loft Splits



PLAN 5A

4th FLOOR OPT

UA Loft Splits

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SCALE: 1/4" = 1'-0"
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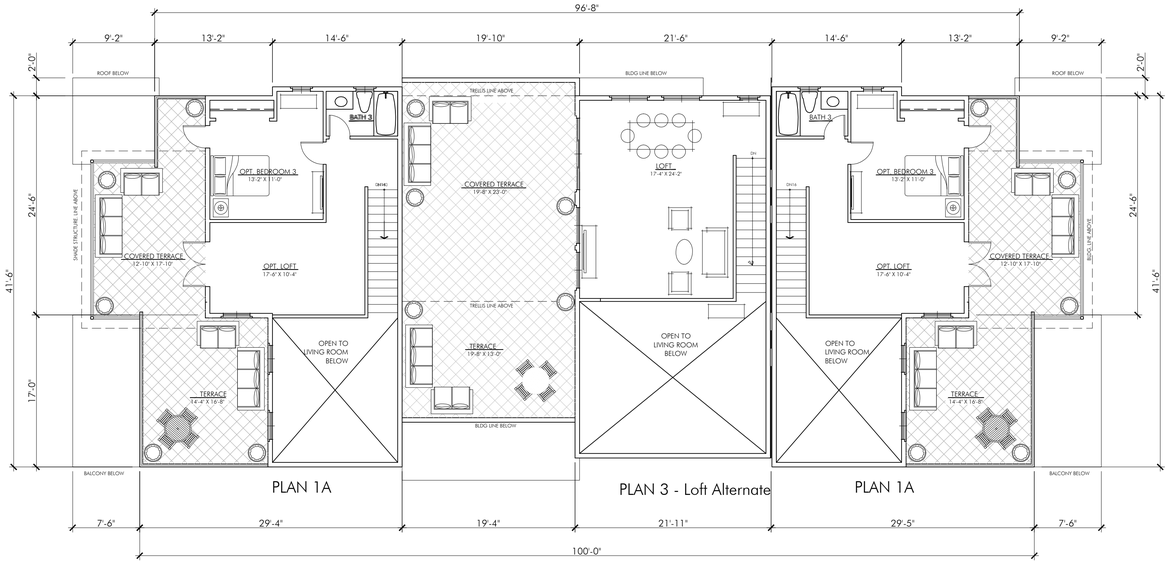
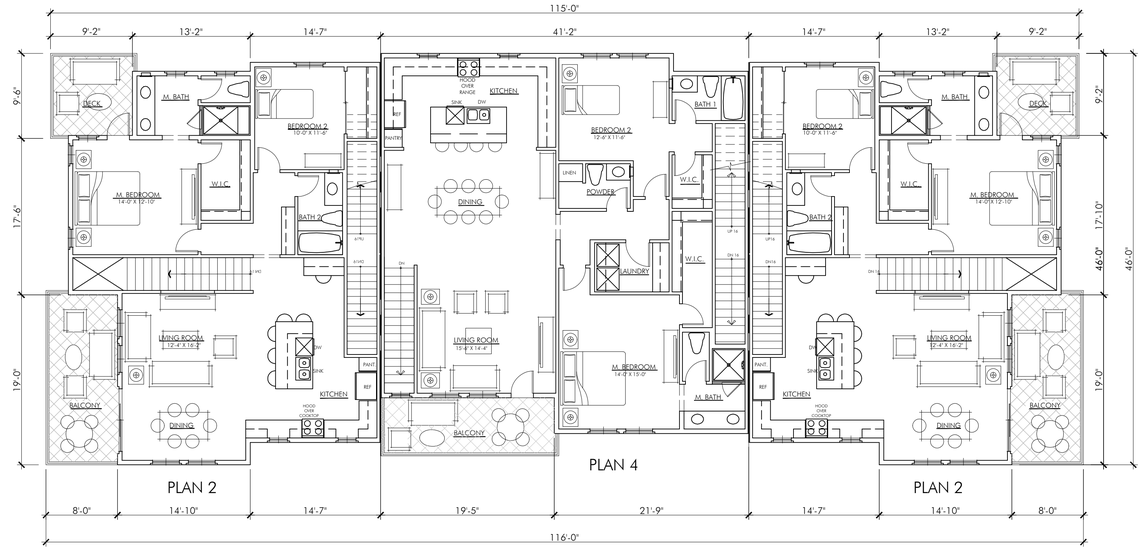
CENTRE POINTE SITE B - UA FLATS 5
- FLOOR PLANS

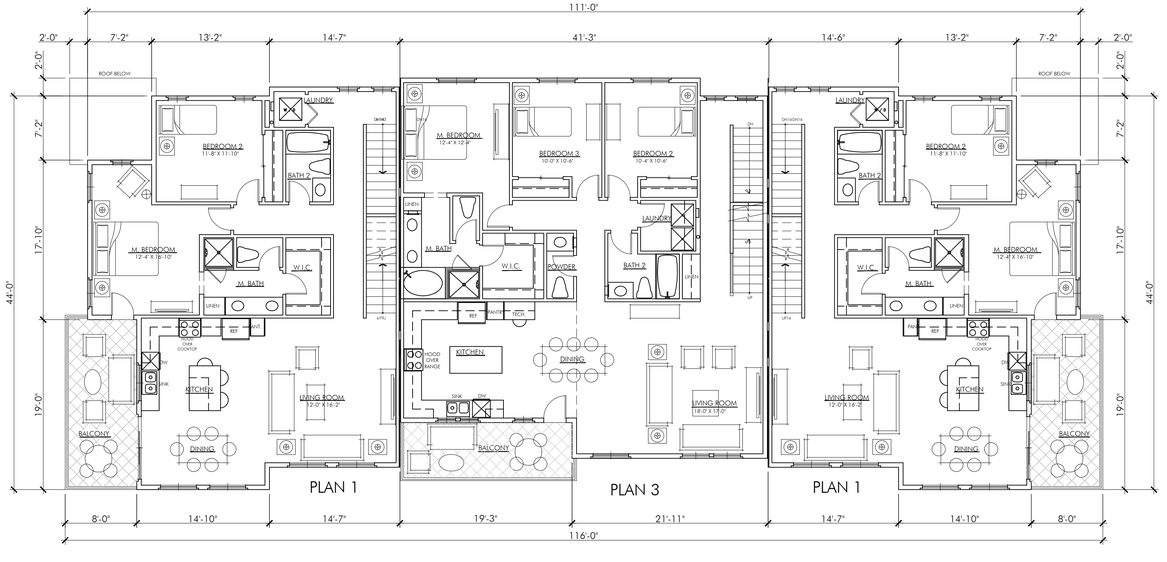
Sheet no.
District - Centre Pointe - Houret
A1.4



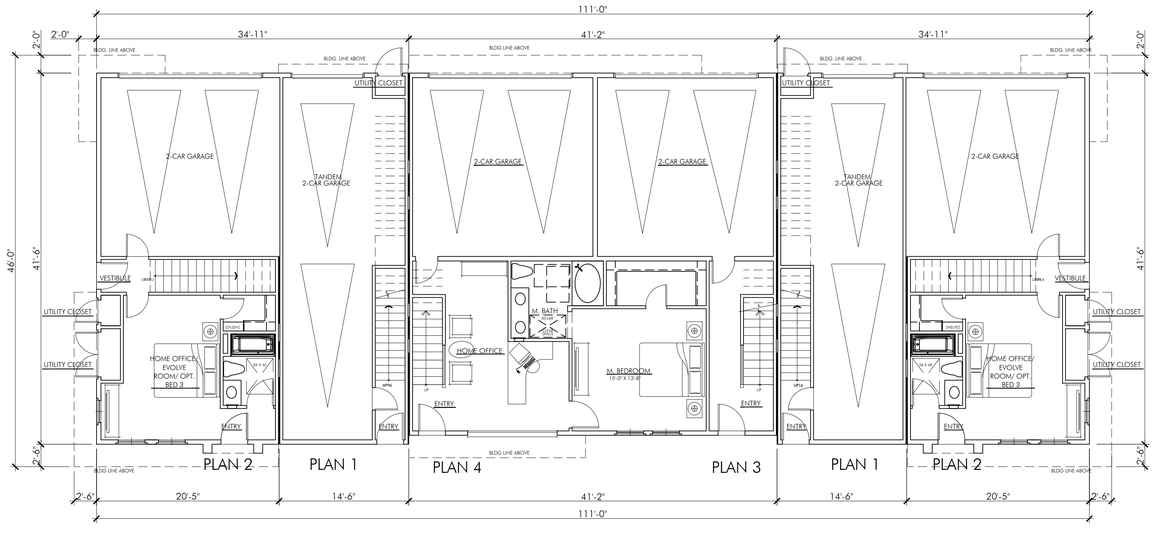
6-PLEX COMPOSITE PLAN
4TH FLOOR LOFT — SCALE: 1/8 = 1'-0"



6-PLEX COMPOSITE PLAN
2ND FLOOR — SCALE: 1/8 = 1'-0"



6-PLEX COMPOSITE PLAN
3RD FLOOR — SCALE: 1/8 = 1'-0"



6-PLEX COMPOSITE PLAN
1ST FLOOR — SCALE: 1/8 = 1'-0"

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A2.0-UA Flats 6-Plex Composite Plan.dwg

DATE/TIME OF PLOT: 10/1/2015 2:55:02 PM

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4901 Birch Street, Newport Beach, CA 92660

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0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
6-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A2.0

6-PLEX LEFT ELEVATION - 4TH FLOOR LOFT OPTION
CONTEMPORARY AGRARIAN ELEVATION STYLE B SCALE: 1/8 = 1'-0"

6-PLEX REAR ELEVATION - 4TH FLOOR LOFT OPTION
CONTEMPORARY AGRARIAN ELEVATION STYLE B SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR VERTICAL AND HORIZONTAL SIDING AND TRIM.*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GALVANIZED METAL TUBE DECK GUARD RAILS WITH HEAVY GUAGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWEDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: RED*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

6-PLEX RIGHT ELEVATION - 4TH FLOOR LOFT OPTION
CONTEMPORARY AGRARIAN ELEVATION STYLE B SCALE: 1/8 = 1'-0"

6-PLEX FRONT ELEVATION - 4TH FLOOR LOFT OPTION
CONTEMPORARY AGRARIAN ELEVATION STYLE B SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
6-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A2.1

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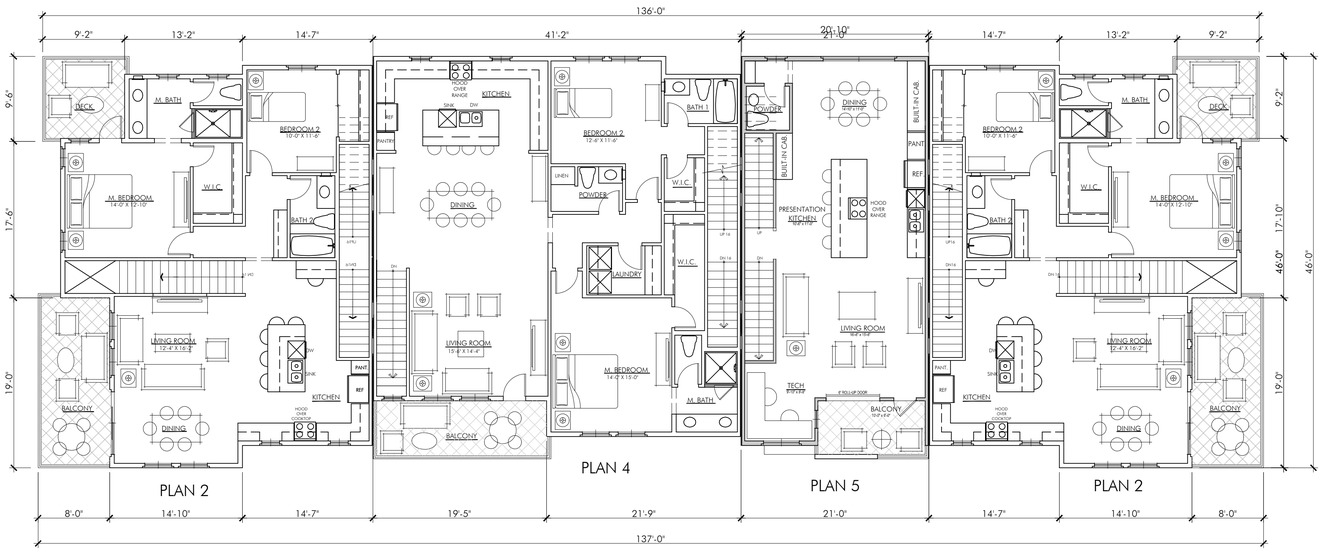
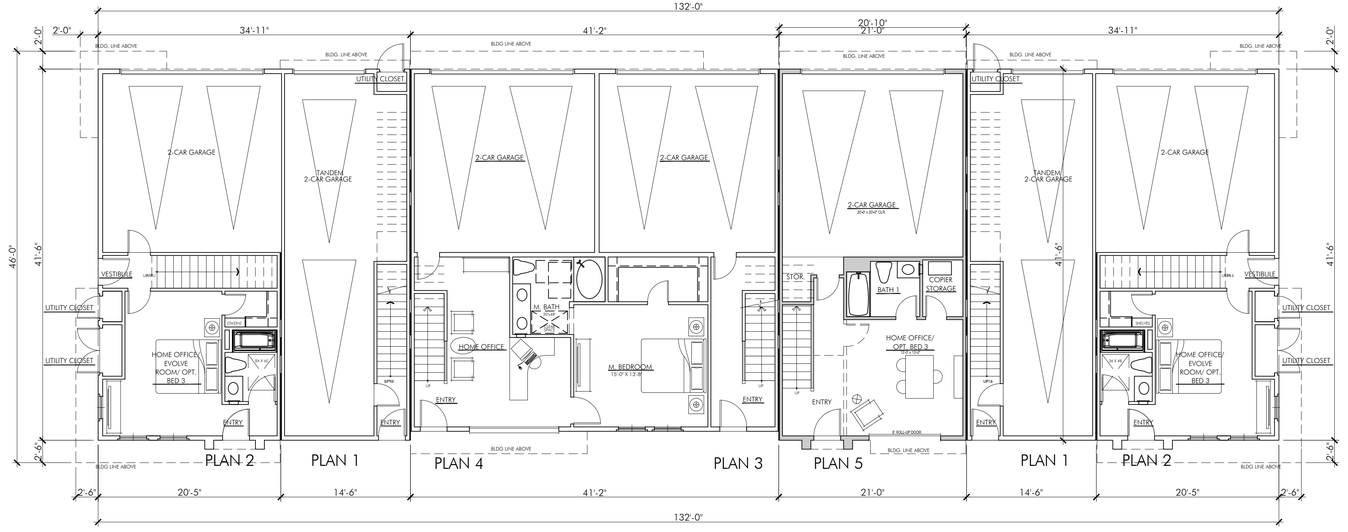


7-PLEX COMPOSITE PLAN
2ND FLOOR SCALE: 1/8 = 1'-0"



7-PLEX COMPOSITE PLAN
1ST FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
7-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A3.0

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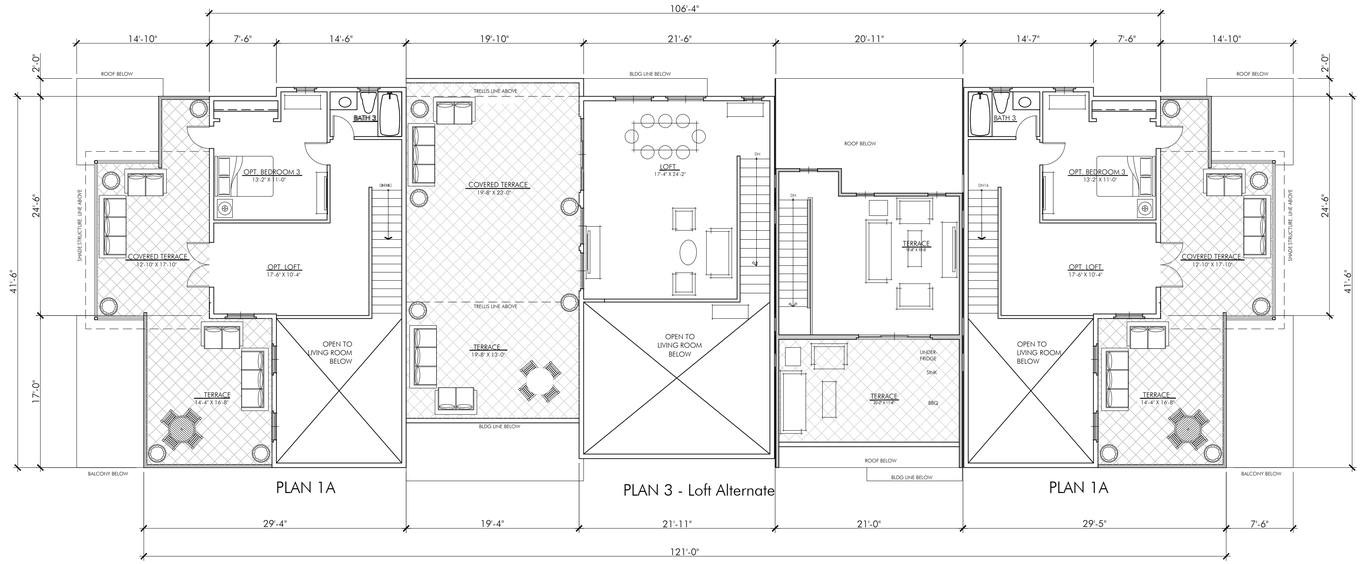
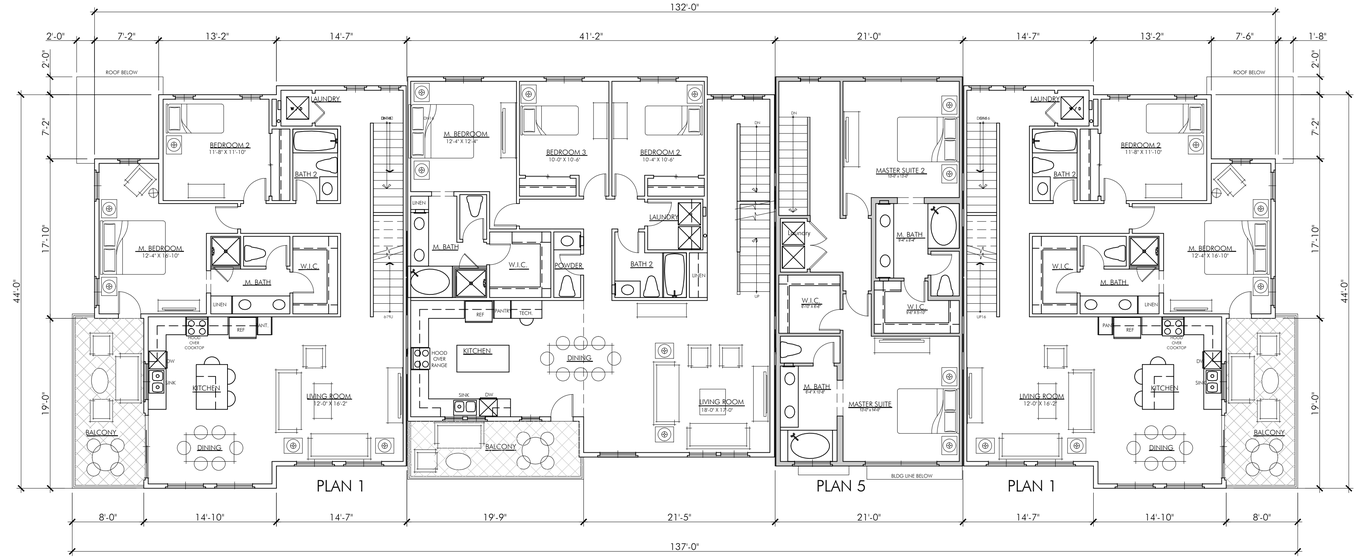


7-PLEX COMPOSITE PLAN

OPT. 4TH FLOOR SCALE: 1/8 = 1'-0"



7-PLEX COMPOSITE PLAN

3RD FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Lofr F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

CENTRE POINTE SITE B - UA FLATS
7-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A3.1

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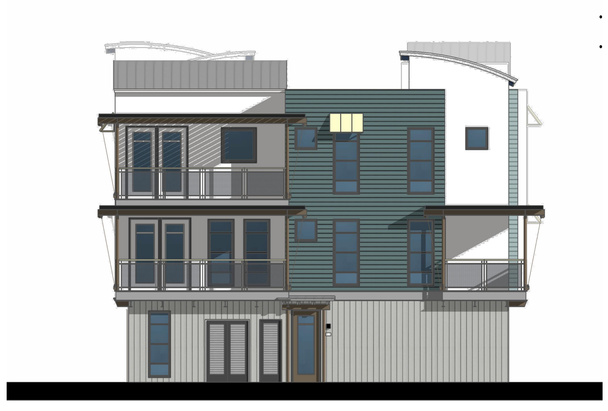
LEFT ELEVATION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

REAR ELEVATION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR VERTICAL AND HORIZONTAL SIDING AND TRIM.*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GALVANIZED METAL TUBE DECK GUARD RAILS WITH HEAVY GUAGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWEDER COAT METAL TUBE TRELLIS AT E DOOR - COLOR: RED*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH V LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS WORK SPACE AT GROUND LEVEL.*



LEFT ELEVATION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

FRONT ELEVATION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B -UA FLATS
7-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A3.2

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LEFT ELEVATION - 4TH FLOOR OPTION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

REAR ELEVATION - 4TH FLOOR OPTION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR VERTICAL AND HORIZONTAL SIDING AND TRIM.*
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- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GALVANIZED METAL TUBE DECK GUARD RAILS WITH HEAVY GUAGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWEDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: RED*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

LEFT ELEVATION - 4TH FLOOR OPTION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

FRONT ELEVATION - 4TH FLOOR OPTION
MODERN LOFT STYLE A — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
7-PLEX COMPOSITE ELEVATIONS

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A3.3

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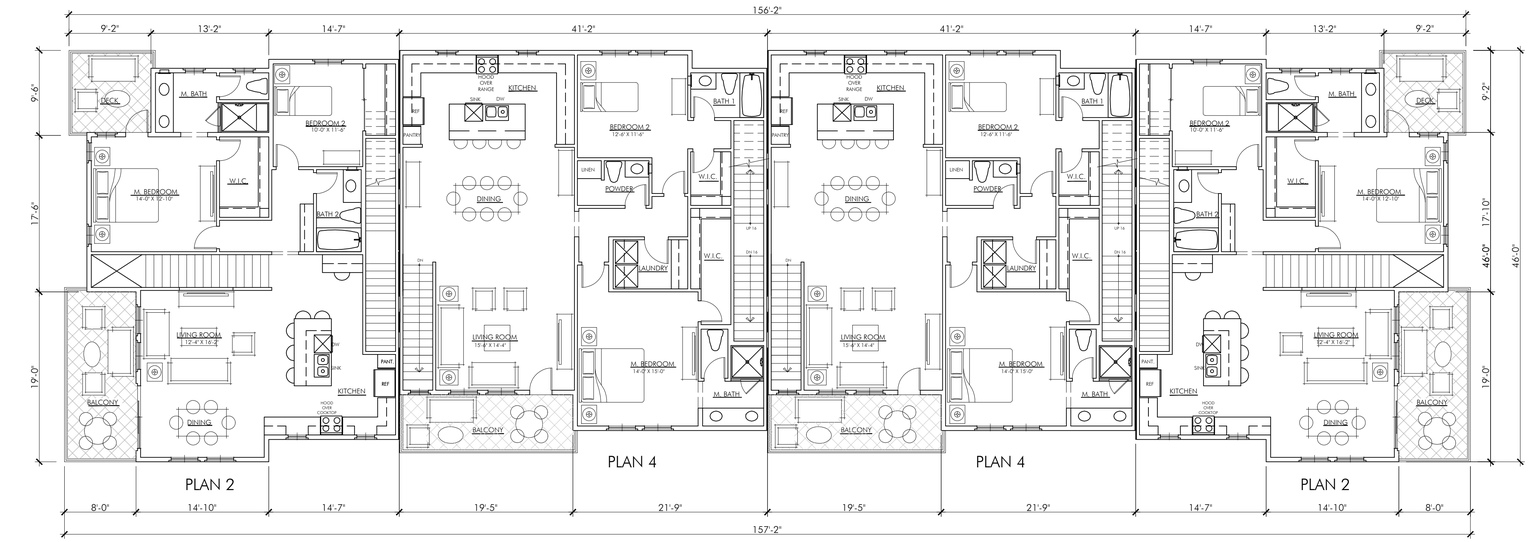
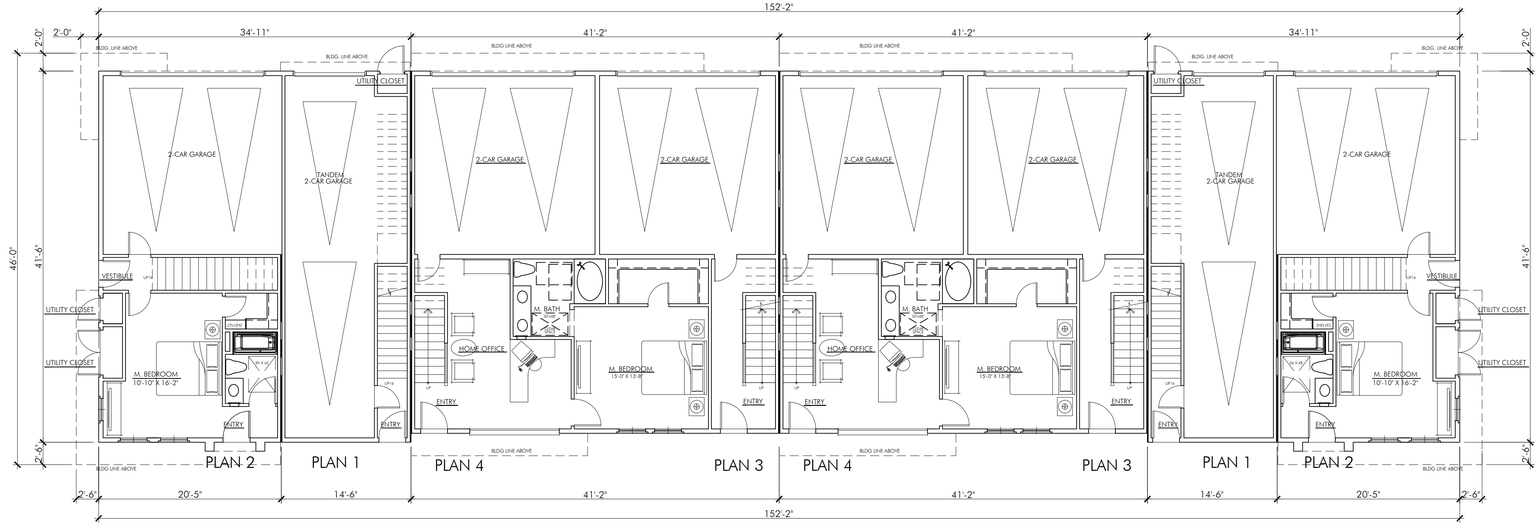


8-PLEX COMPOSITE PLAN

2ND FLOOR SCALE: 1/8 = 1'-0"



8-PLEX COMPOSITE PLAN

1ST FLOOR SCALE: 1/8 = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
8-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A4.0

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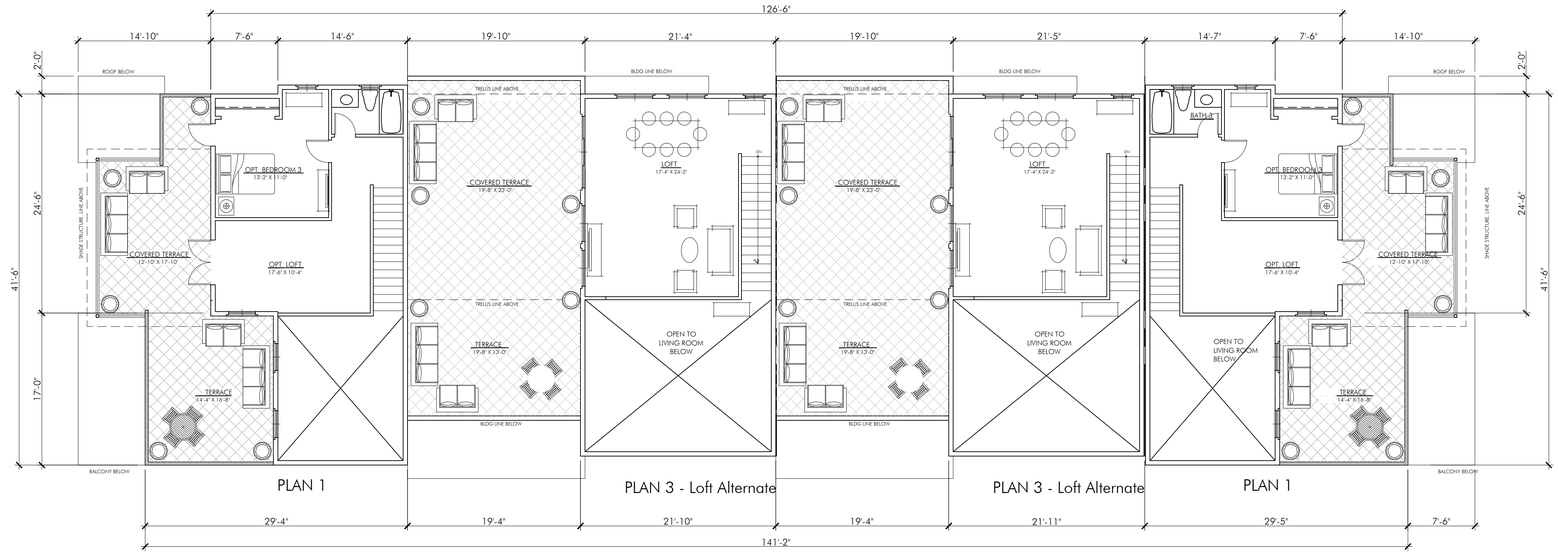
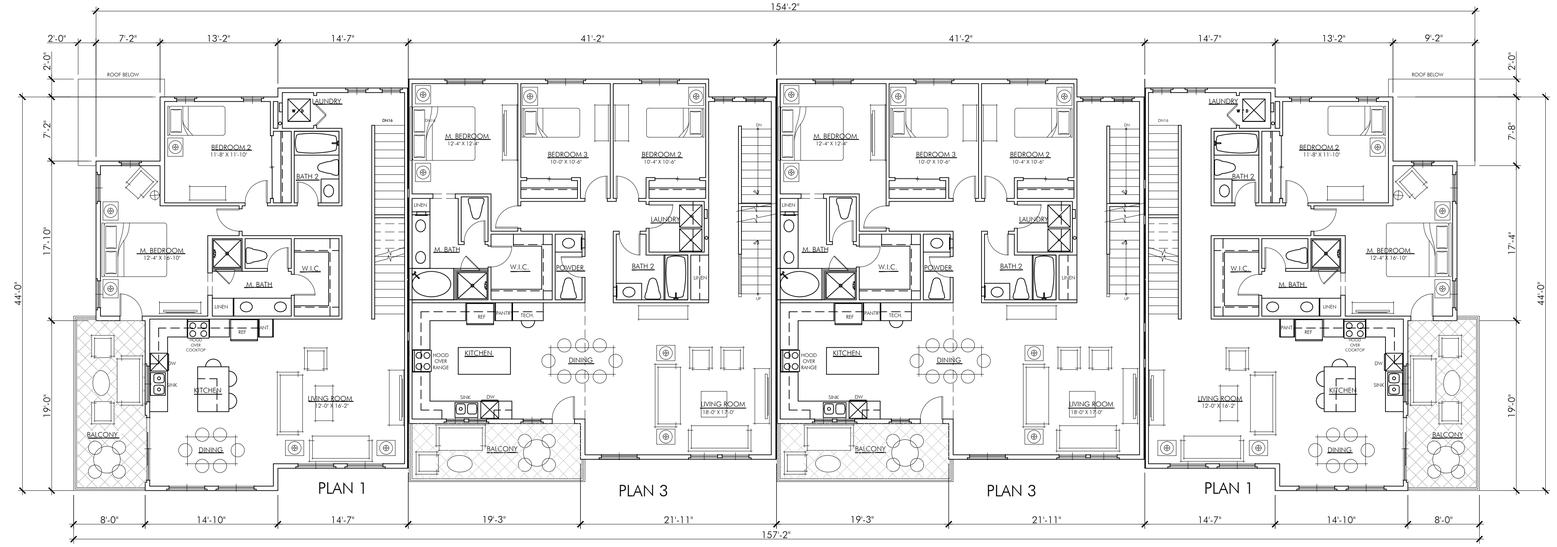


8-PLEX COMPOSITE PLAN

4TH FLOOR WHERE OCCURS SCALE: 1/8 = 1'-0"



8-PLEX COMPOSITE PLAN

3RD FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
8-PLEX COMPOSITE PLANS

Sheet no.
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8-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"

8-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR VERTICAL AND HORIZONTAL SIDING AND TRIM.*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
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- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
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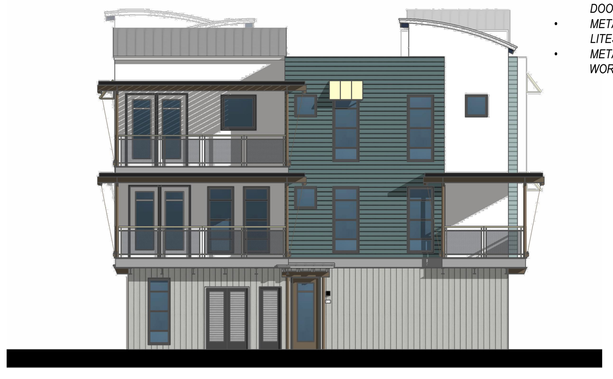

8-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

8-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
8-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
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8-PLEX LEFT ELEVATION -4TH FLOOR OPT.
SCALE: 1/8 = 1'-0"

8-PLEX REAR ELEVATION -4TH FLOOR OPT.
SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR VERTICAL AND HORIZONTAL SIDING AND TRIM.*
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  GALVANIZED METAL PARAPET FLASHING CAP.
  PAINTED POWEDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: RED
  METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.
  METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.

8-PLEX RIGHT ELEVATION -4TH FLOOR OPT.
SCALE: 1/8 = 1'-0"

8-PLEX FRONT ELEVATION -4TH FLOOR OPT
SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE B - UA FLATS
8-PLEX COMPOSITE ELEVATIONS

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A4.3

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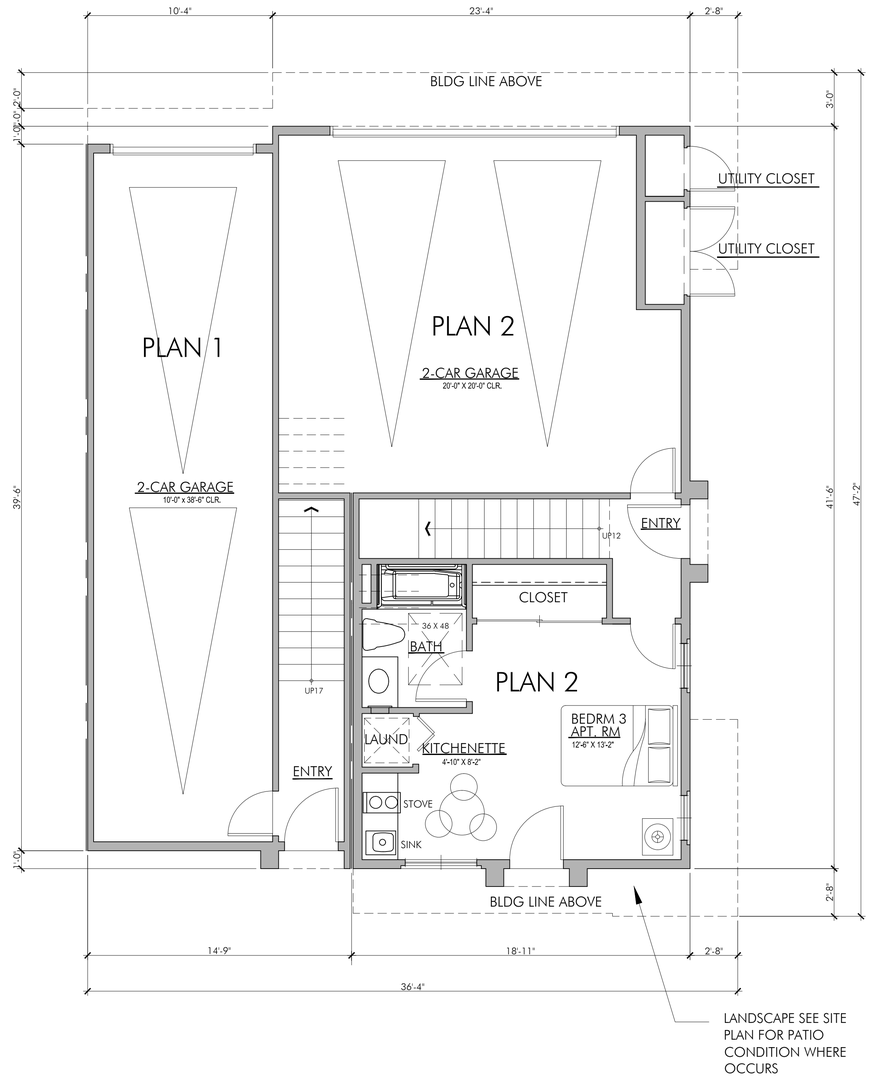

UNIT 1 & UNIT 2 -1ST LEVEL

UNIT PLAN

SCALE: 1/4 = 1'-0"

PLAN 1 SUMMARY

- GARAGE: 2 CAR TANDEM	
- 2 BRDROOMS/2.5 BATHS	
- 1ST. FLOOR :	38 S.F.
- 2ND. FLOOR :	760 S.F.
- 3RD. FLOOR :	688 S.F.
- TOTAL :	1,486 S.F.
- BALCONY :	120 S.F.
- GARAGE :	421 S.F.

PLAN 2 SUMMARY

- GARAGE: 2 CAR STANDARD	
- 3 BEDROOMS/3.5 BATHS	
- 1ST. FLOOR :	357 S.F.
- 2ND. FLOOR :	678 S.F.
- 3RD. FLOOR :	672 S.F.
- TOTAL :	1,707 S.F.
- BALCONY :	120 S.F.
- GARAGE :	448 S.F.

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4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/4" = 1'-0"
0 2 4 8 12

CENTRE POINTE SITE C - UA LOFT 1 & 2 - 1ST FLOOR

Sheet no.
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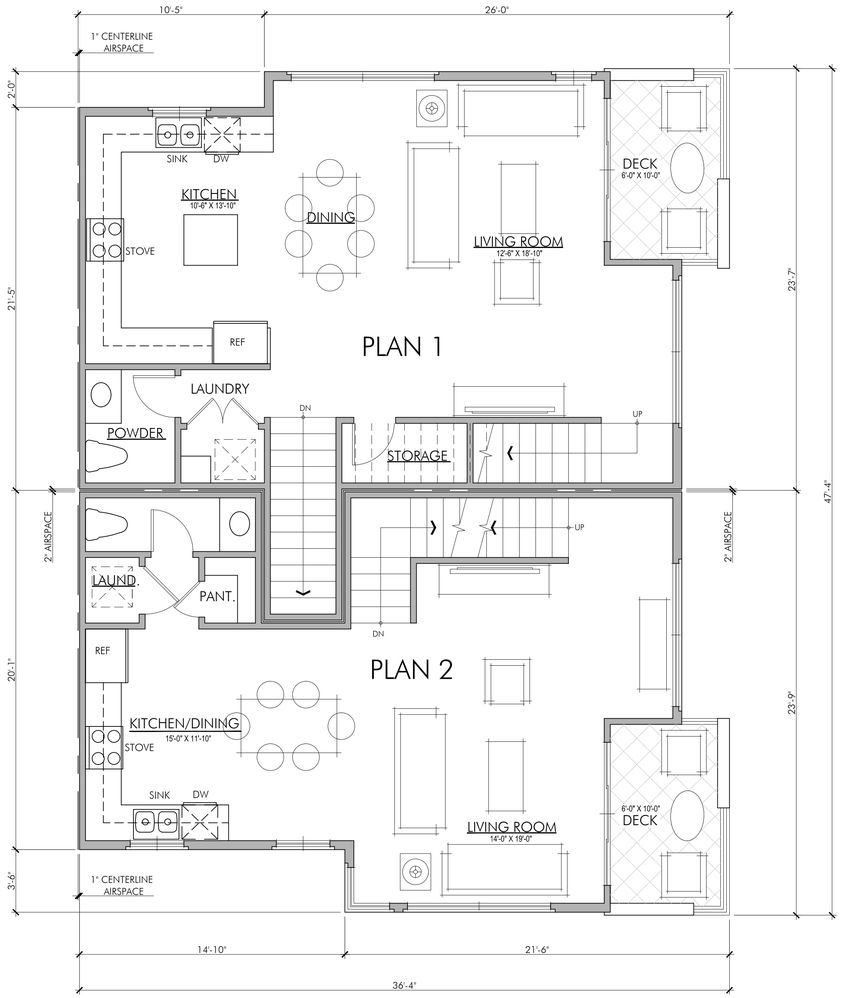
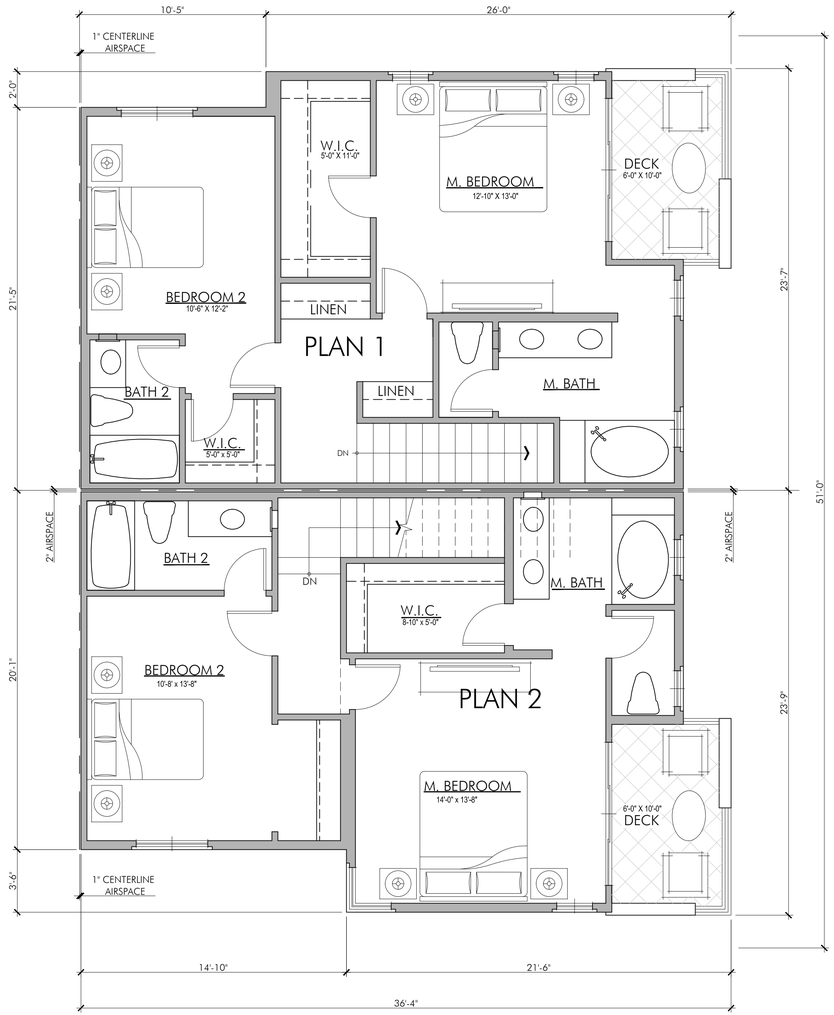
A11.0



UNIT 1 & UNIT 2 - 2ND LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"



UNIT 1 & UNIT 2 - 3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

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4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/4" = 1'-0"
0 2 4 8 12

CENTRE POINTE SITE C - UA LOFTS 1 & 2 - 2ND & 3RD FLOOR

Sheet no.
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A11.1

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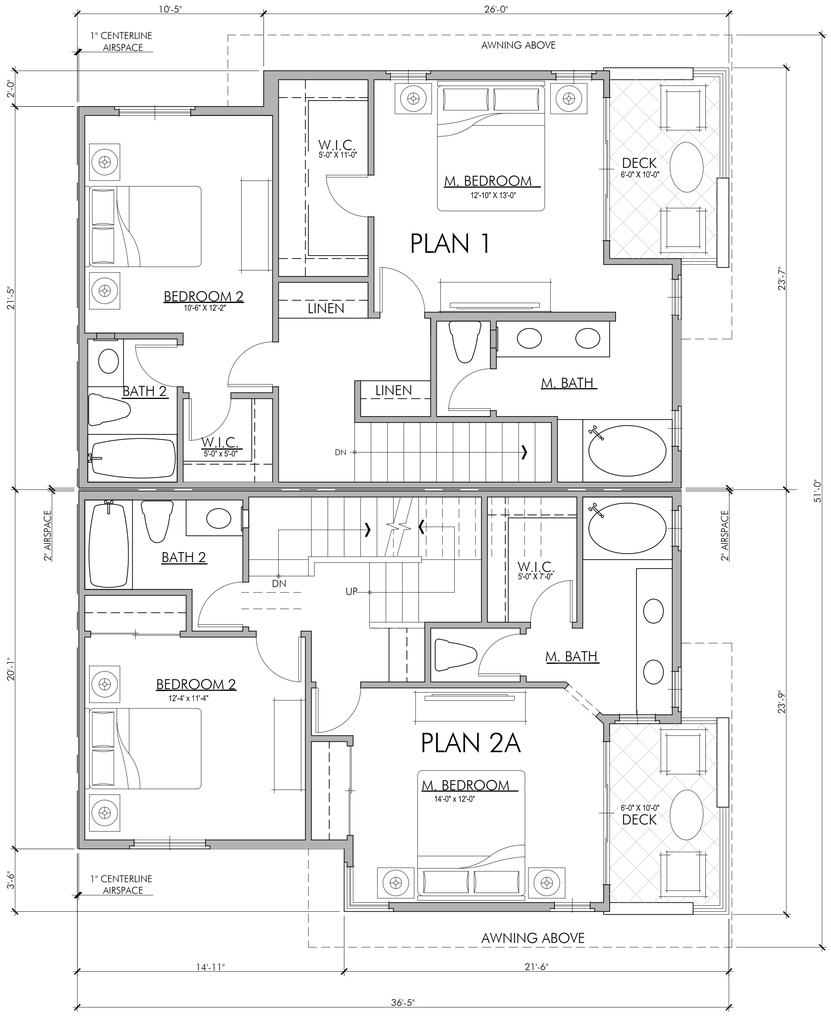

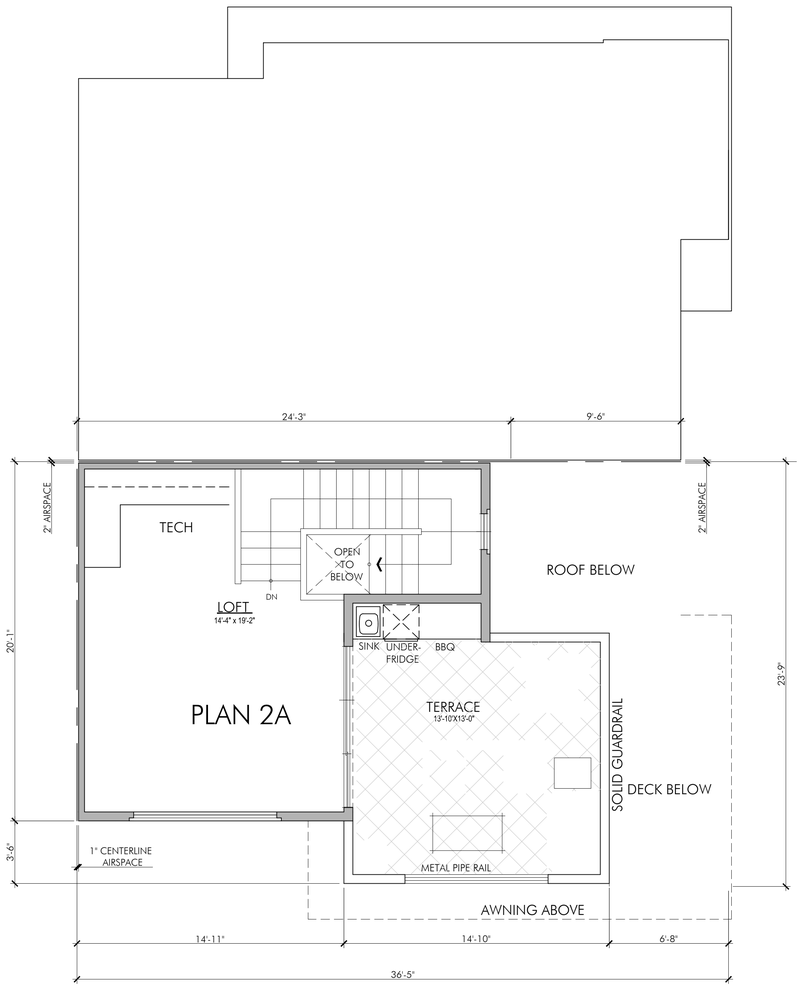

PLAN 2A SUMMARY

- GARAGE: 2 CAR STANDARD	
- 3 BEDROOMS/3.5 BATHS	
- 1ST. FLOOR :	357 S.F.
- 2ND. FLOOR :	678 S.F.
- 3RD. FLOOR :	650 S.F.
- 4TH. FLOOR :	335 S.F.
- TOTAL :	2,020 S.F.
- TERRACE :	196 S.F.
- BALCONY :	120 S.F.
- GARAGE :	448 S.F.

UNIT 2- 3RD LEVEL OPTION

UNIT PLAN — SCALE: 1/4 = 1'-0"

UNIT 2A- 4TH LEVEL OPTION

UNIT PLAN — SCALE: 1/4 = 1'-0"

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SCALE: 1/4" = 1'-0"
0 2 4 8 12

CENTRE POINTE SITE C - UA LOFTS 1 & 2 - 3RD & 4TH FLOOR

Sheet no.
District - Centre Pointe - Houret
A11.2

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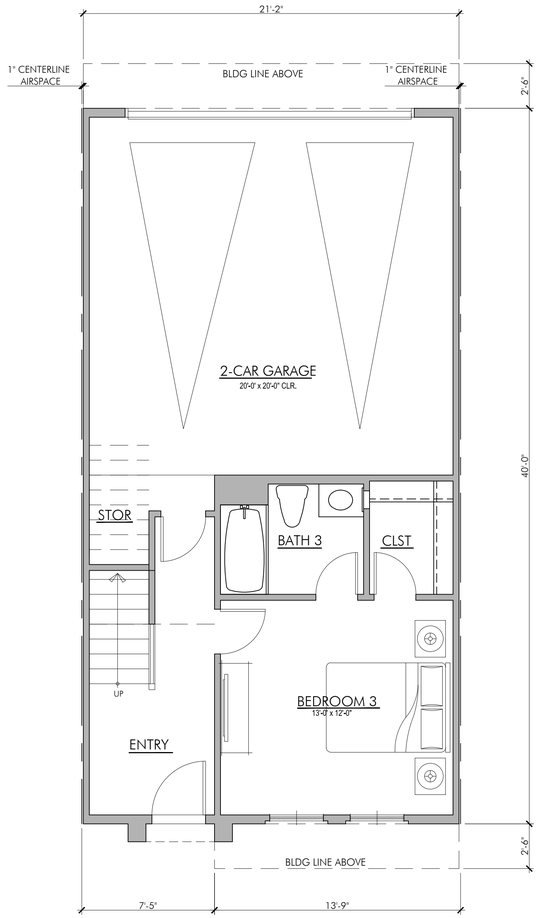
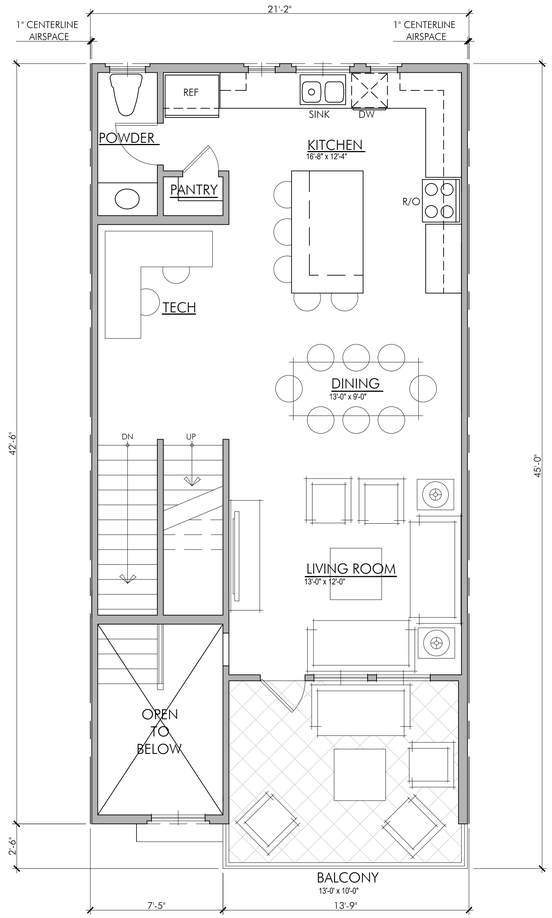


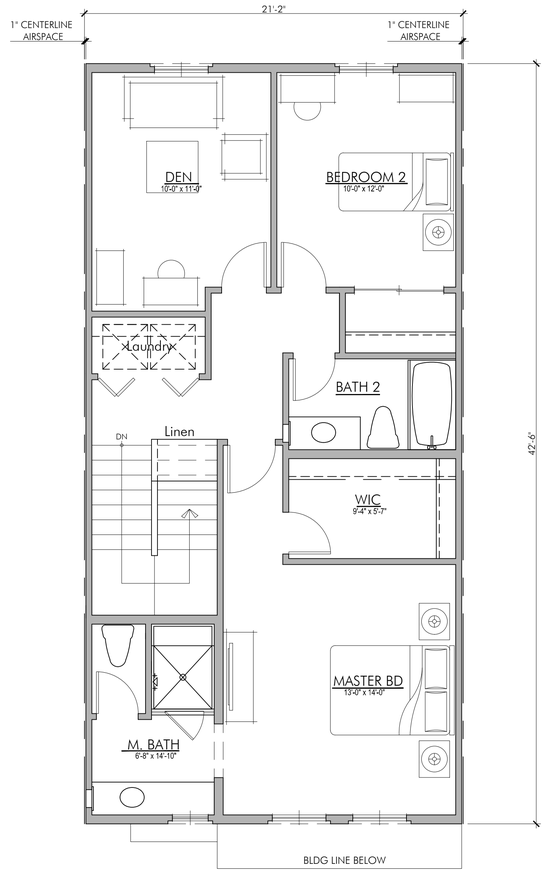
UNIT 3- 1ST LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"



UNIT 3- 2ND LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"



UNIT 3- 3RD LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"

PLAN 3 SUMMARY

- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS+ DEN/3.5 BATHS

- 1ST. FLOOR :	371 S.F.
- 2ND. FLOOR :	701 S.F.
- 3RD. FLOOR :	830 S.F.
- TOTAL :	1,902 S.F.
- BALCONY :	130 S.F.
- GARAGE :	456 S.F.

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DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
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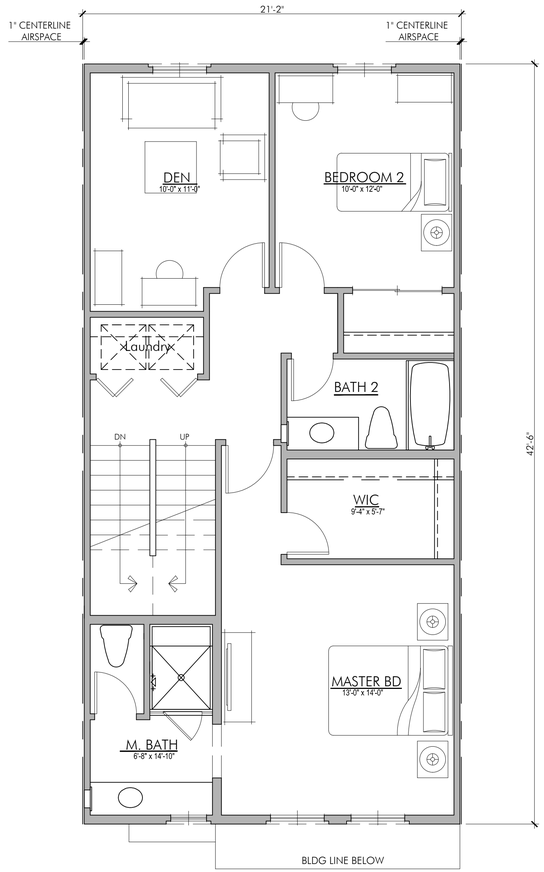
URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

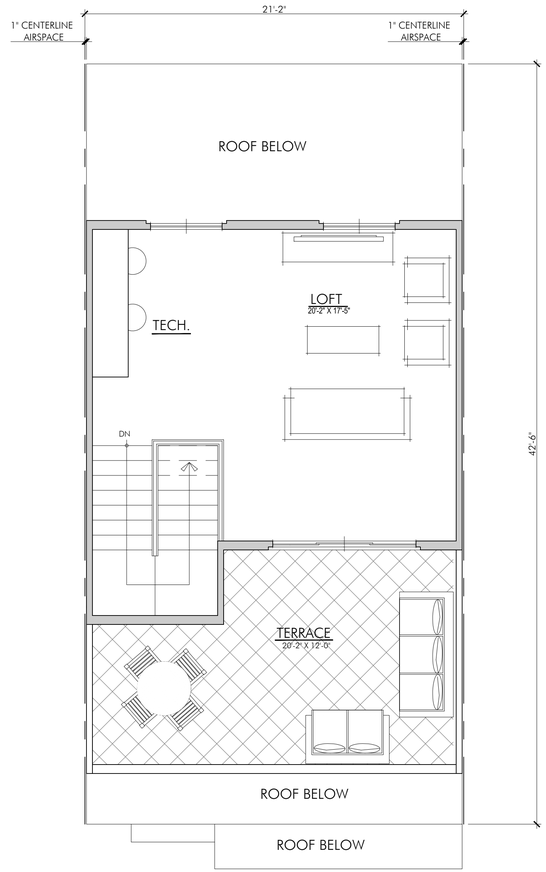
SCALE: 1" = 30'-0"
0 15 30 60 90

NORTH

CENTRE POINTE SITE C - UA LOFT 3 - 1ST 2ND & 3RD FLOOR

Sheet no.
District - Centre Pointe - Houret
A11.3





PLAN 3A SUMMARY

- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS+ DEN/3.5 BATHS+LOFT

- 1ST. FLOOR :	371 S.F.
- 2ND. FLOOR :	701 S.F.
- 3RD. FLOOR :	822 S.F.
- 4TH. FLOOR :	418 S.F.
- TOTAL :	2,312 S.F.
- TERRACE :	211 S.F.
- BALCONY :	130 S.F.
- GARAGE :	456 S.F.

UNIT 3A- 1ST & 2ND LEVEL

SEE PREVIOUS SHEET — SCALE: 1/4 = 1'-0"

UNIT 3A - 3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

UNIT 3A- 4TH LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A11.3 Centre Pointe Site C Plan 3.dwg

DATE/TIME OF PLOT: 10/1/2015 2:59:00 PM

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LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

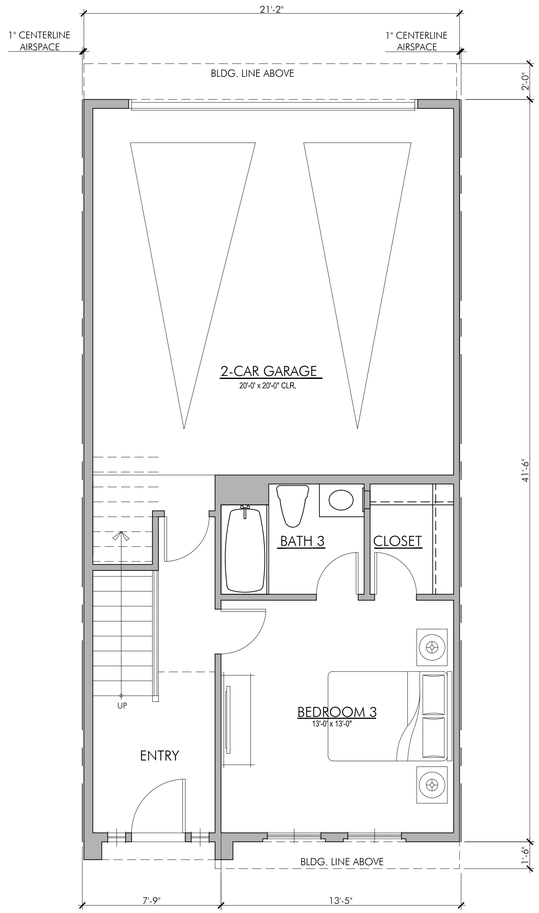
Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

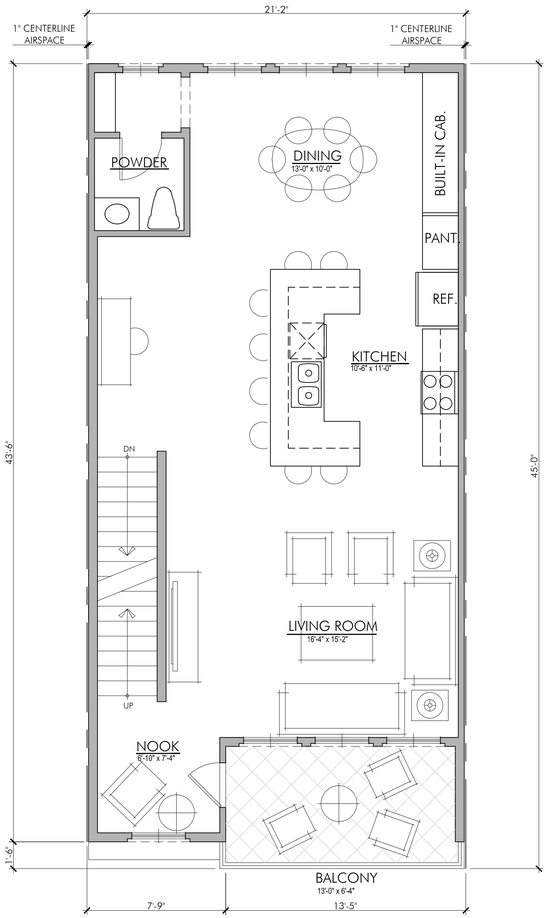
SCALE: 1" = 30'-0"
0 15 30 60 90

CENTRE POINTE SITE C - UA LOFT
3A - 3RD & 4TH FLOOR

Sheet no.
District - Centre Pointe - Houret
A11.4



FIRST FLOOR



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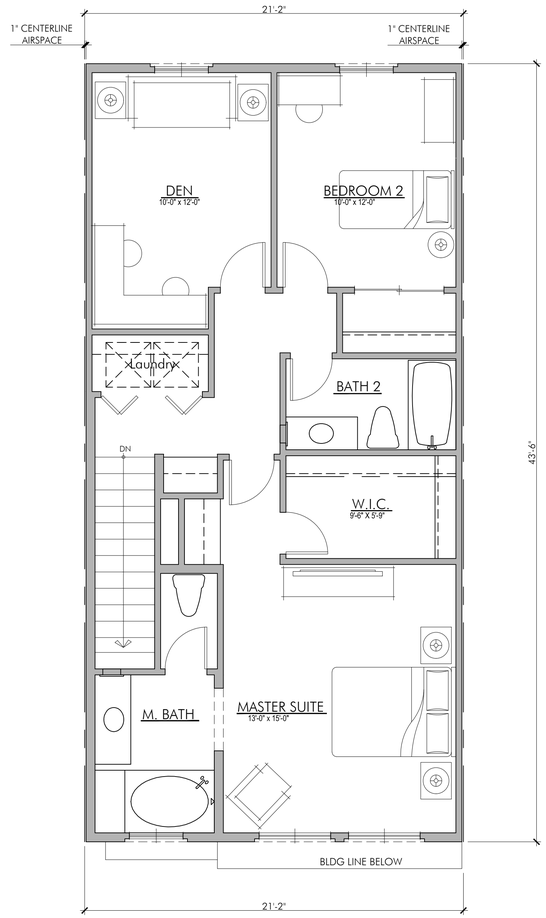

THIRD FLOOR

UNIT 4- 1ST LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

UNIT 4- 2ND LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

UNIT 4-3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 4 SUMMARY

- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS + DEN /3.5 BATHS
- 1ST. FLOOR : 404 S.F.
- 2ND. FLOOR : 842 S.F.
- 3RD. FLOOR : 868 S.F.
- TOTAL : 2,114 S.F.

- BALCONY : 82 S.F.
- GARAGE : 467 S.F.

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A11.4 Centre Pointe Site C-Plan 4.dwg

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URBAN ARENA
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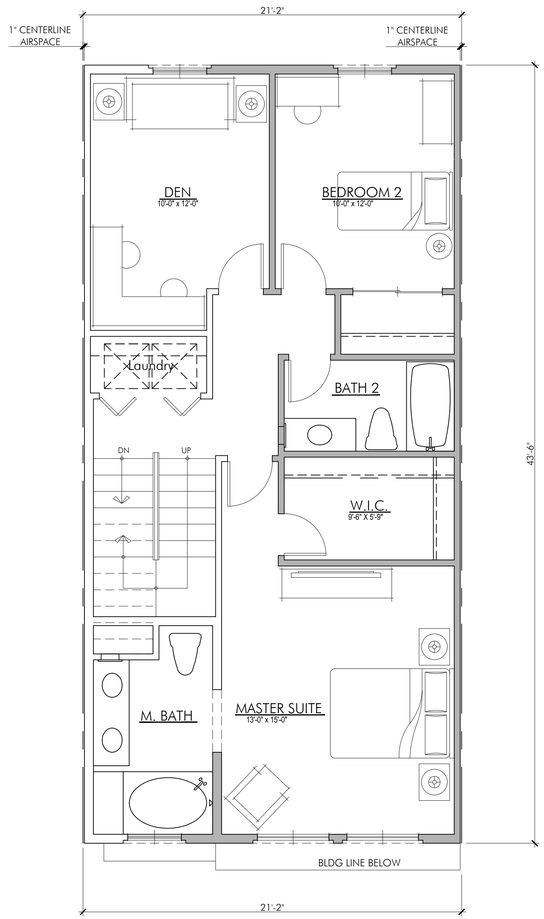
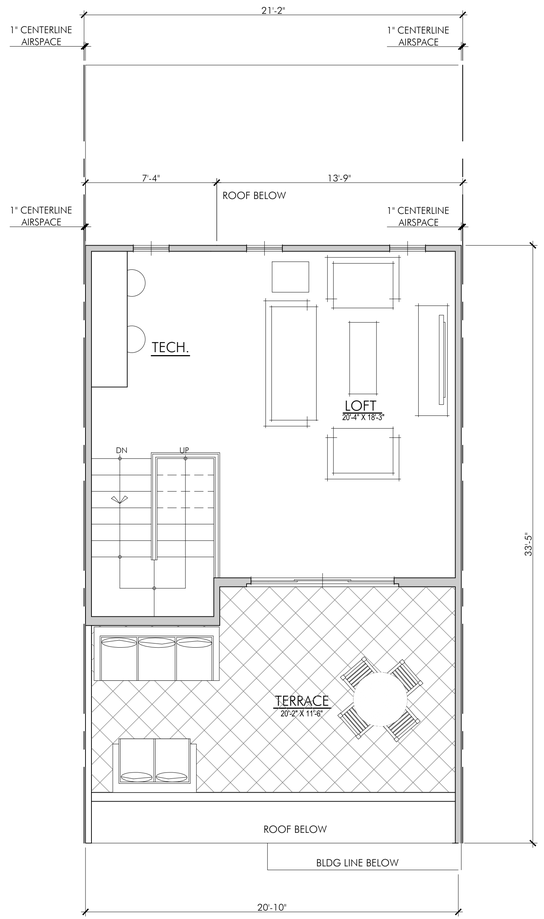
SCALE: 1/4" = 1'-0"
0 2 4 8 12

CENTRE POINTE SITE C - UA LOFT 4 - 1ST 2ND & 3RD FLOOR

Sheet no.
District - Centre Pointe - Houret
A11.5





PLAN 4A SUMMARY

- GARAGE: 2 CAR STANDARD
- 3 BEDROOMS + DEN /3.5 BATHS

- 1ST. FLOOR :	404 S.F.
- 2ND. FLOOR :	842 S.F.
- 3RD. FLOOR :	868 S.F.
- 4TH FLOOR :	417 S.F.
- TOTAL :	2,531 S.F.
- TERRACE :	218 S.F.
- BALCONY :	82 S.F.
- GARAGE :	467 S.F.

UNIT 4- 1ST & 2ND LEVEL

SEE PREVIOUS SHEET — SCALE: 1/4 = 1'-0"

UNIT 4A- 3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

UNIT 4A-4TH LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A11.4 Centre Pointe Site C-Plan 4.dwg

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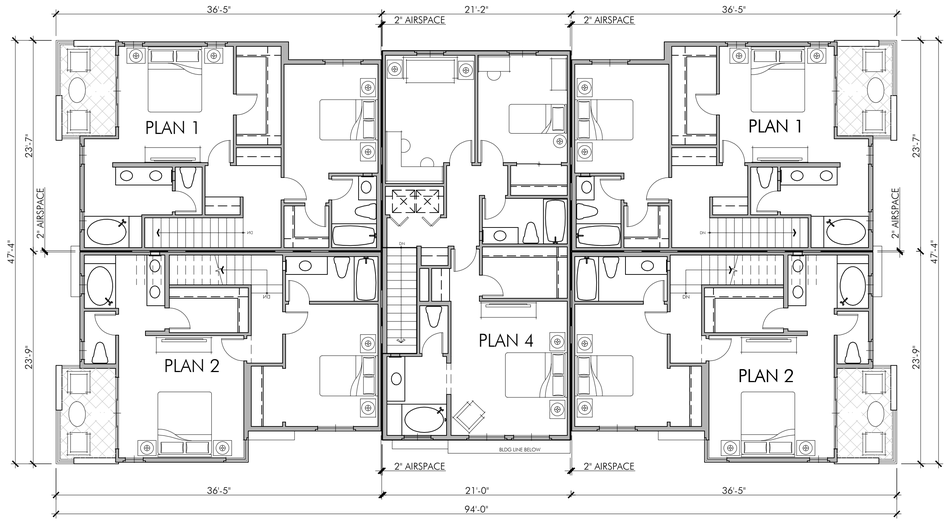
SCALE: 1/4" = 1'-0"
0 2 4 8 12

CENTRE POINTE SITE C - UA LOFT 4 - 3RD & 4TH FLOOR

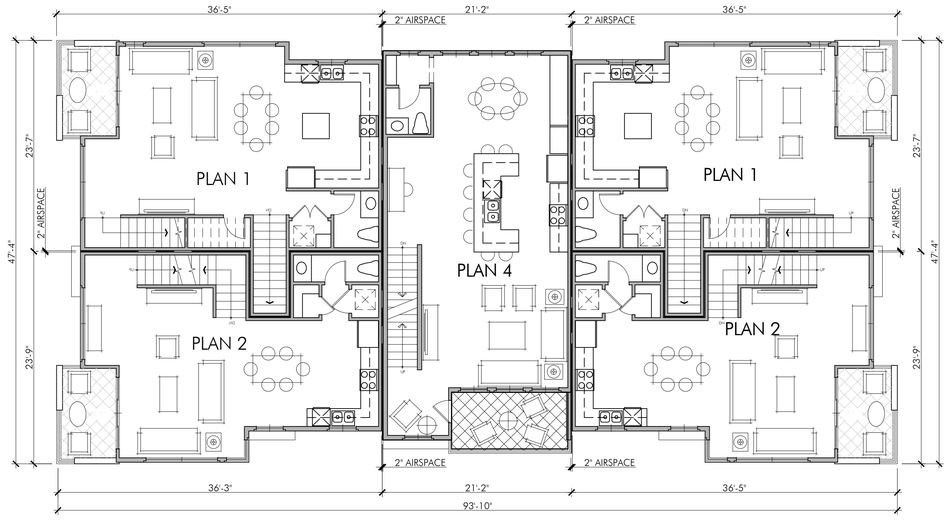
Sheet no.
District - Centre Pointe - Houret
A11.6



5-PLEX THIRD LEVEL

SITE C

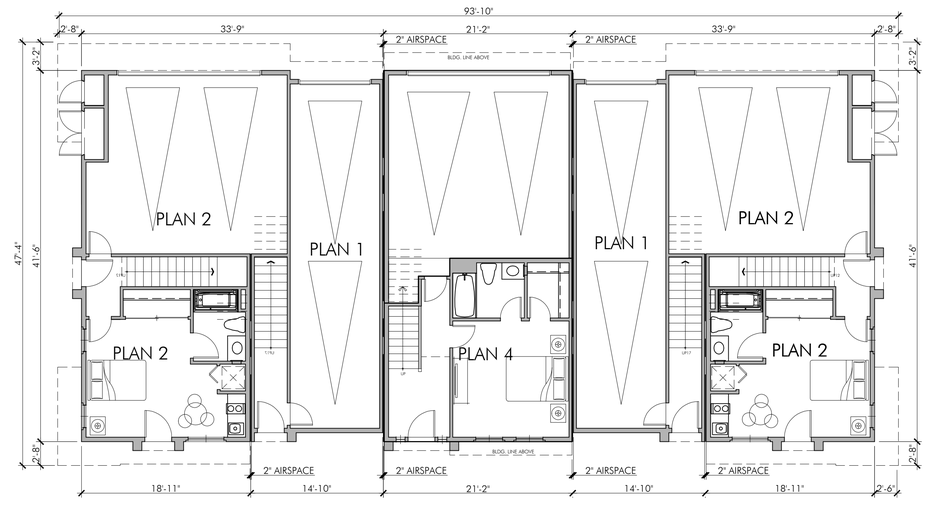
SCALE: 1/8" = 1'-0"



5-PLEX SECOND LEVEL

SITE C

SCALE: 1/8" = 1'-0"



5-PLEX FIRST LEVEL

SITE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/8" = 1'-0"

0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
5-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret

A12.0

DATE/TIME OF PLOT: 10/1/2015 2:59:51 PM
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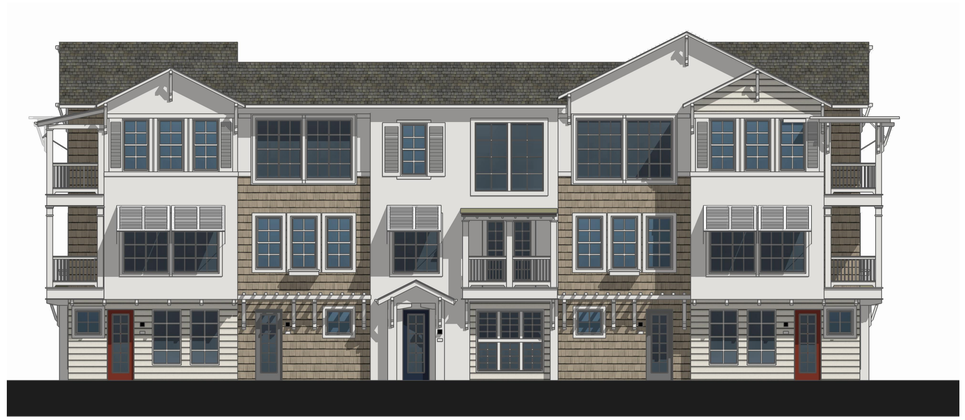
LEFT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

MATERIALS LIST- RIVERWALK

- 30/30 CEMENT PLASTER EXTERIOR FINISH - COLORS WHITE, SAGE GREEN, GREY, ROSE
- GALVANIZED METAL LOUVER AWNINGS - POWDER COATED.
- DECK COLUMNS WITH CEMENT BOARD FACING AND TRIM.
- CEMENT BOARD EXTERIOR HORIZONTAL SIDING
- W SLOPE BUILT UP OR SINGLE PLY ROOF.
- PHALT SHINGLE SLOPING ROOF
- ODIZED ALUMINUM WINDOW FRAMES - IITE
- ER GLASS ENTRY DOORS WITH GLASS.
- LVANIZED METAL DECK RAILING - POWDER ATED.
- MENT BOARD DECK FLOOR BANDING.
- LVANIZED METAL PARAPET FLASHING CAP - NTED
- TAL CORBELS AT FLOOR OVERHANGS AND BLES - PAINTED
- LVANIZED METAL TRELLIS - POWDER COATED.



FRONT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

RIGHT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

REAR ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
5-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A12.1

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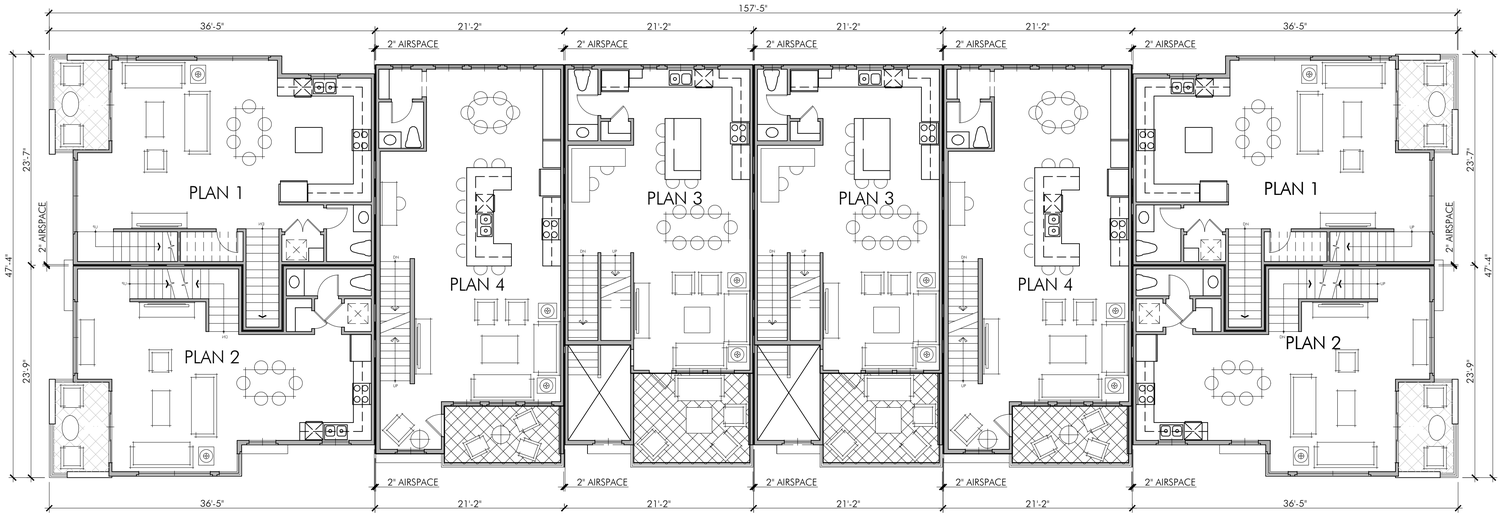
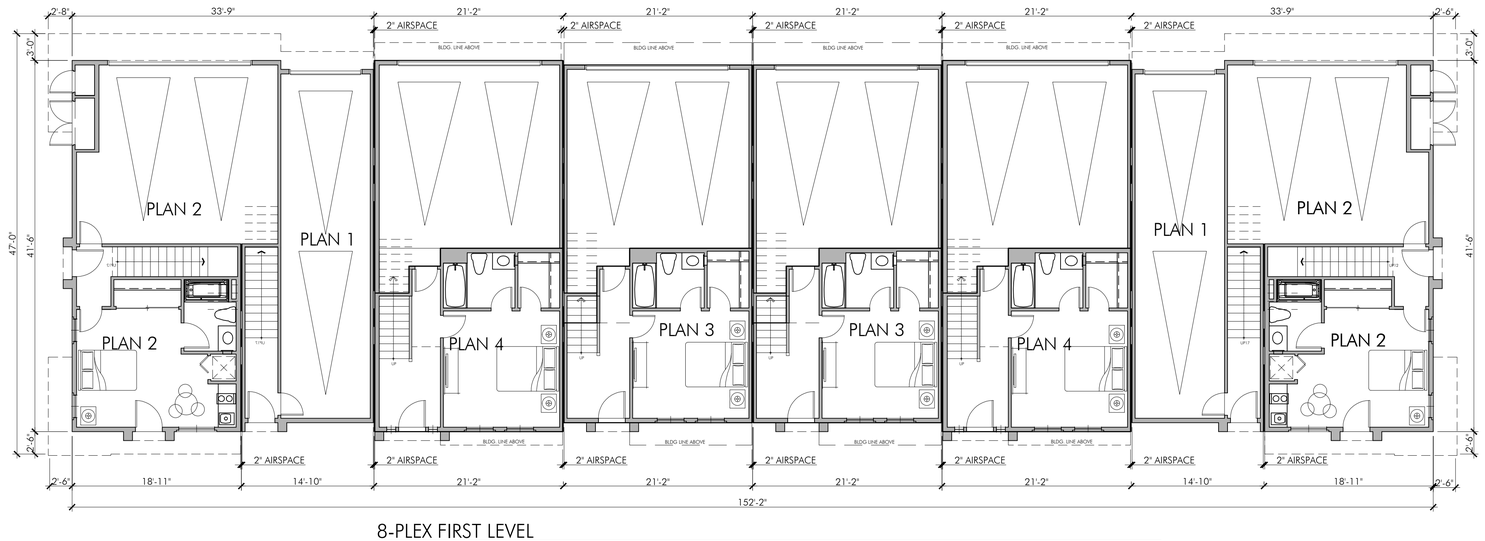


8-PLEX SECOND LEVEL

SITE C

SCALE: 1/8" = 1'-0"



8-PLEX FIRST LEVEL

SITE C

SCALE: 1/8" = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
8-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A13.0

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A12.0 Centre Pointe Site C 8-Plex Composite Plan.dwg
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DATE/TIME OF PLOT: 10/1/2015 3:00:49 PM

8-PLEX THIRD LEVEL
SITE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
8-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A13.1

LEFT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

REAR ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

MATERIALS LIST- RIVERWALK

- 30/30 CEMENT PLASTER EXTERIOR FINISH - COLORS WHITE, SAGE GREEN, GREY, ROSE
- GALVANIZED METAL LOUVER AWNINGS - POWDER COATED.
- DECK COLUMNS WITH CEMENT BOARD FACING AND TRIM.
- CEMENT BOARD EXTERIOR HORIZONTAL SIDING
- LOW SLOPE BUILT UP OR SINGLE PLY ROOF.
- ASPHALT SHINGLE SLOPING ROOF
- ANODIZED ALUMINUM WINDOW FRAMES - WHITE
- FIBER GLASS ENTRY DOORS WITH GLASS.
- GALVANIZED METAL DECK RAILING - POWDER COATED.
- CEMENT BOARD DECK FLOOR BANDING.
- GALVANIZED METAL PARAPET FLASHING CAP - PAINTED
- METAL CORBELS AT FLOOR OVERHANGS AND GABLES - PAINTED
- GALVANIZED METAL TRELLIS - POWDER COATED.

RIGHT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

FRONT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
8-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A13.2

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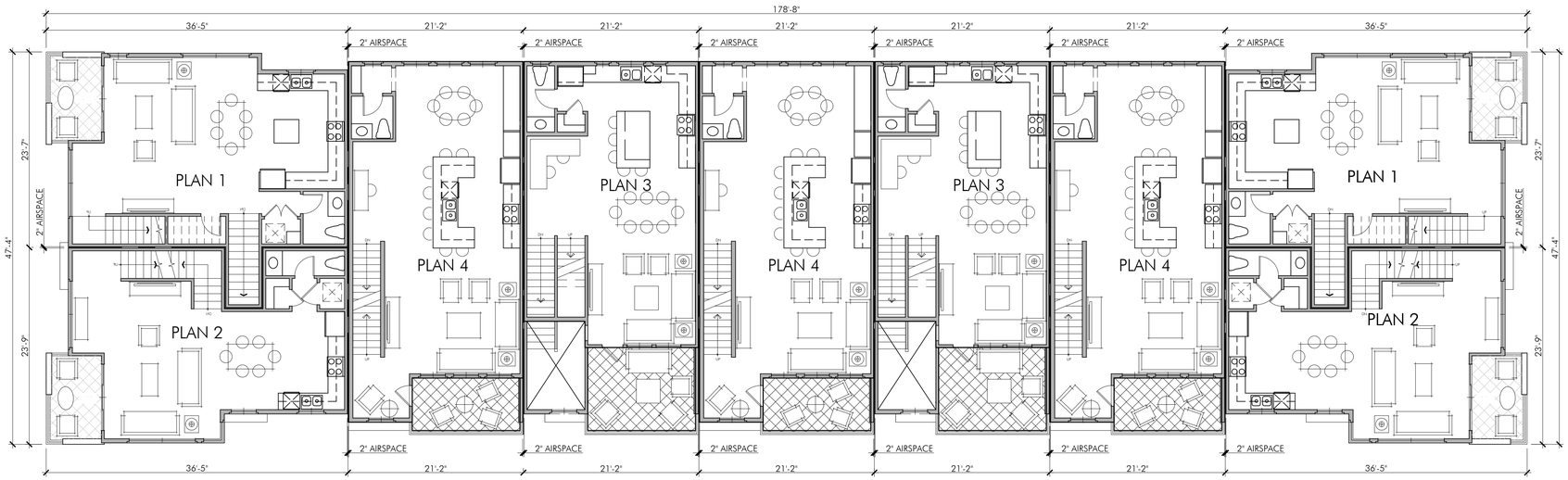
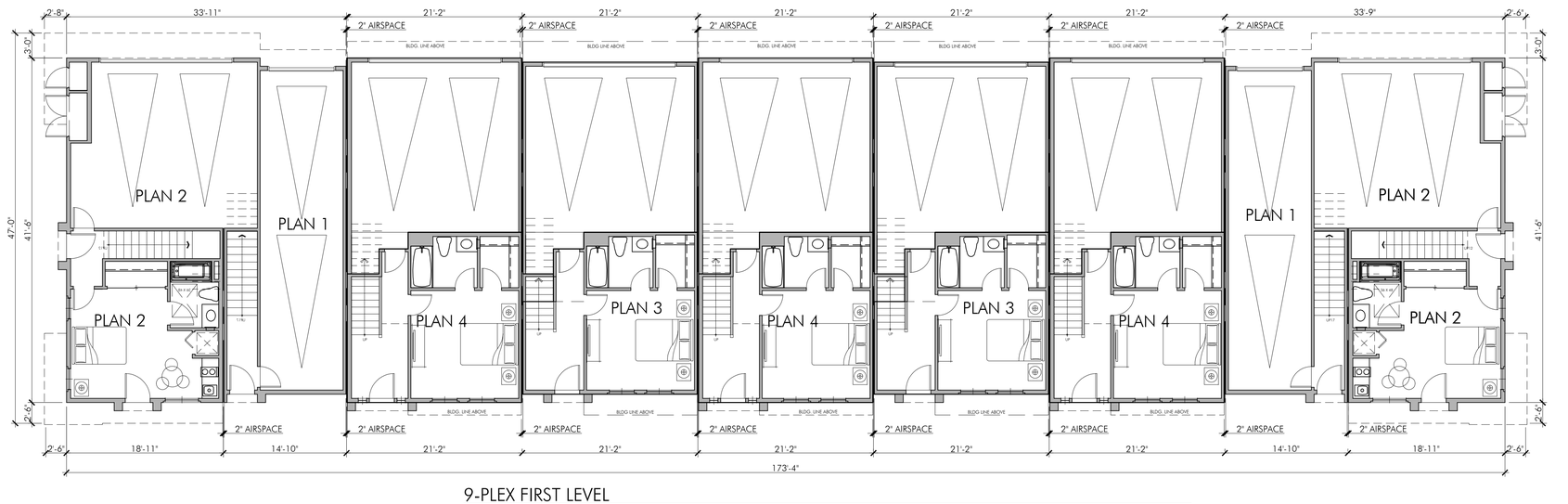


9-PLEX SECOND LEVEL

SITE C SCALE: 1/8" = 1'-0"



9-PLEX FIRST LEVEL

SITE C SCALE: 1/8" = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
9-PLEX COMPOSITE PLANS

Sheet no.
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A14.0

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A12.0 Centre Pointe Site C 9-Plex Composite Plan.dwg
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9-PLEX THIRD LEVEL
SITE C

SCALE: 1/8" = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
9-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A14.1

LEFT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

REAR ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

MATERIALS LIST- RIVERWALK

- 30/30 CEMENT PLASTER EXTERIOR FINISH - COLORS WHITE, SAGE GREEN, GREY, ROSE
- GALVANIZED METAL LOUVER AWNINGS - POWDER COATED.
- DECK COLUMNS WITH CEMENT BOARD FACING AND TRIM.
- CEMENT BOARD EXTERIOR HORIZONTAL SIDING
- LOW SLOPE BUILT UP OR SINGLE PLY ROOF.
- ASPHALT SHINGLE SLOPING ROOF
- ANODIZED ALUMINUM WINDOW FRAMES - WHITE
- FIBER GLASS ENTRY DOORS WITH GLASS.
- GALVANIZED METAL DECK RAILING - POWDER COATED.
- CEMENT BOARD DECK FLOOR BANDING.
- GALVANIZED METAL PARAPET FLASHING CAP - PAINTED
- METAL CORBELS AT FLOOR OVERHANGS AND GABLES - PAINTED
- GALVANIZED METAL TRELLIS - POWDER COATED.

RIGHT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

FRONT ELEVATION
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
9-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A14.2

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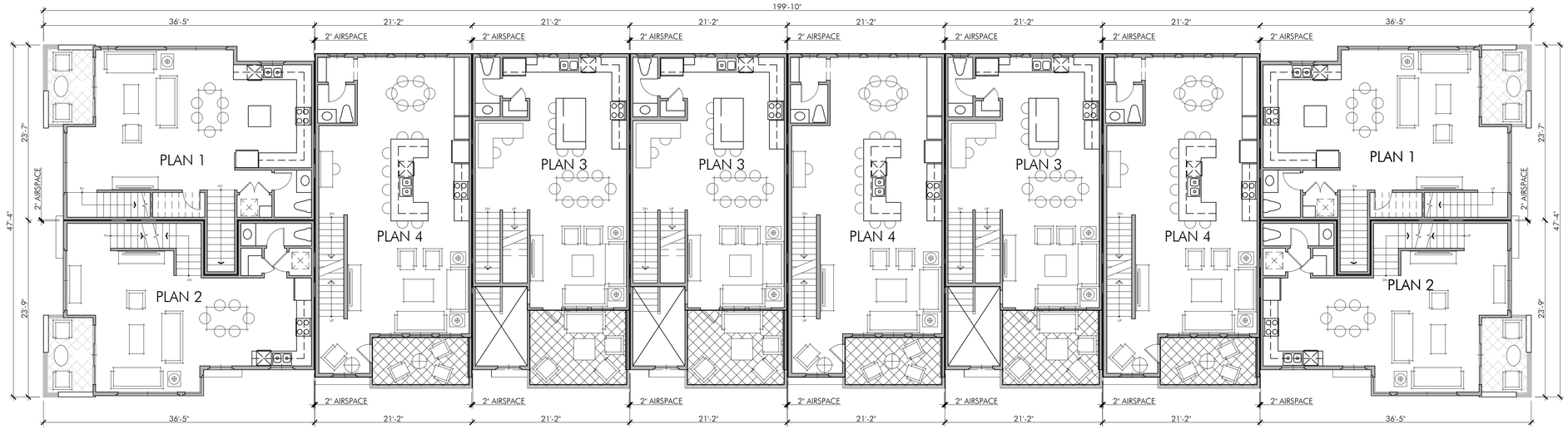
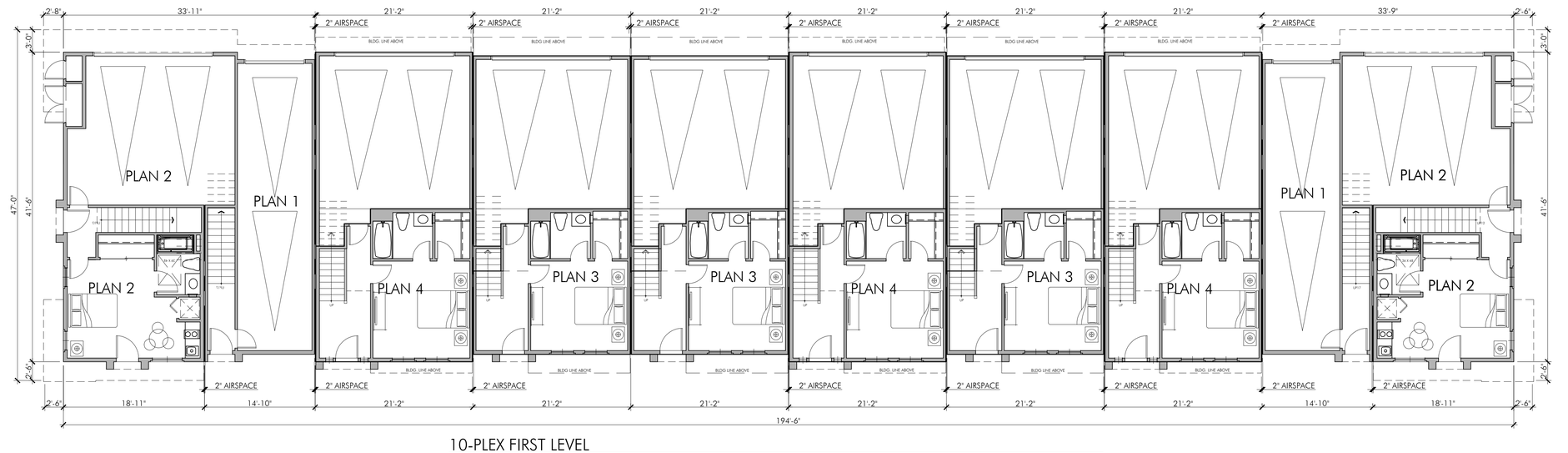


10-PLEX SECOND LEVEL

SITE C

SCALE: 1/8" = 1'-0"



10-PLEX FIRST LEVEL

SITE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/8" = 1'-0"

0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
10-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A15.0

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A12.0 Centre Pointe Site C 10-Plex Composite Plan.dwg
DATE/TIME OF PLOT: 10/1/2015 3:02:21 PM

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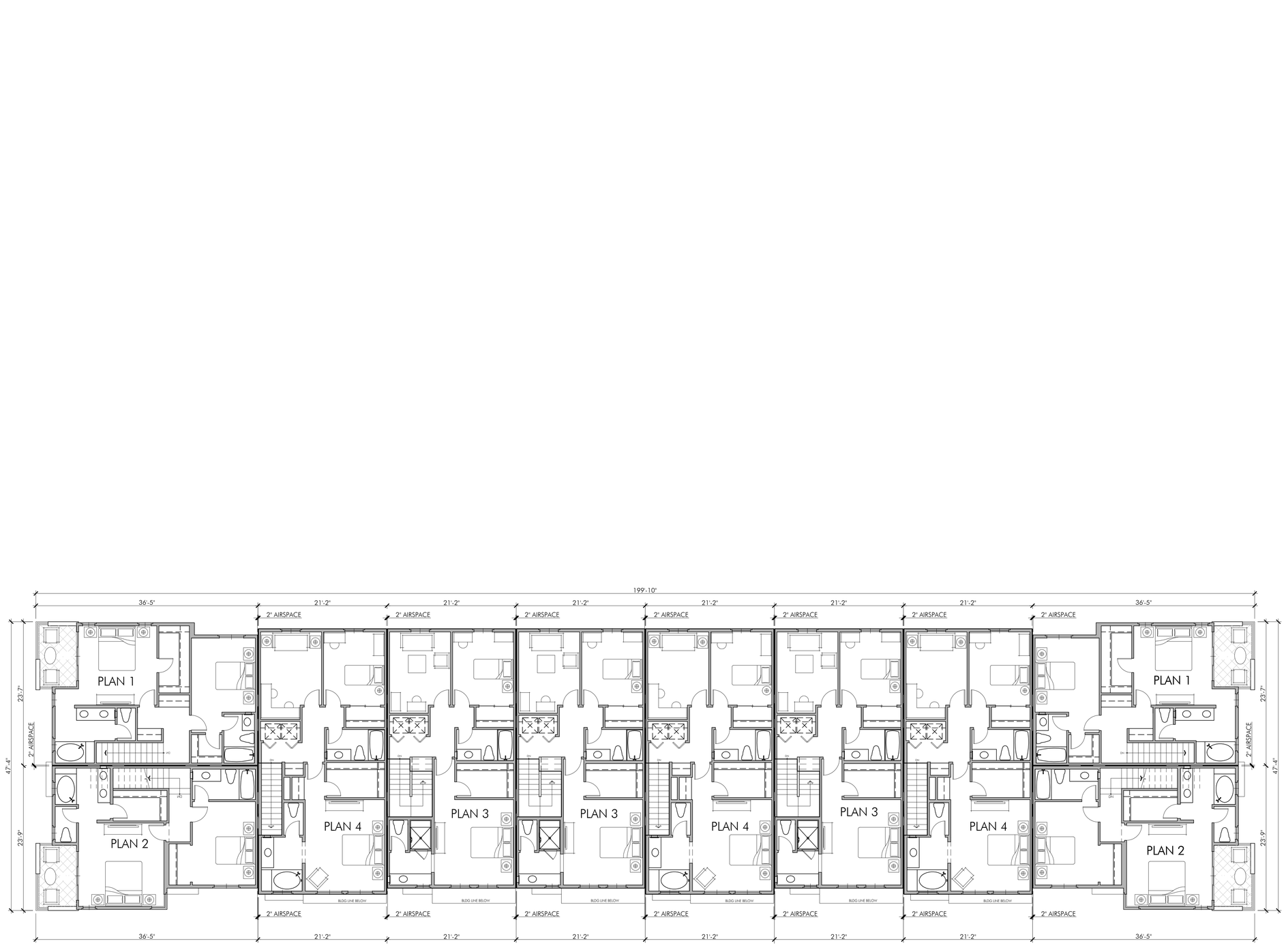

10-PLEX THIRD LEVEL
SITE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
10-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A15.1

LEFT ELEVATION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

MATERIALS LIST- RIVERWALK

- 30/30 CEMENT PLASTER EXTERIOR FINISH - COLORS WHITE, SAGE GREEN, GREY, ROSE
- GALVANIZED METAL LOUVER AWNINGS - POWDER COATED.
- DECK COLUMNS WITH CEMENT BOARD FACING AND TRIM.
- CEMENT BOARD EXTERIOR HORIZONTAL SIDING
- LOW SLOPE BUILT UP OR SINGLE PLY ROOF.
- ASPHALT SHINGLE SLOPING ROOF
- ANODIZED ALUMINUM WINDOW FRAMES - WHITE
- FIBER GLASS ENTRY DOORS WITH GLASS.
- GALVANIZED METAL DECK RAILING - POWDER COATED.
- CEMENT BOARD DECK FLOOR BANDING.
- GALVANIZED METAL PARAPET FLASHING CAP - PAINTED
- METAL CORBELS AT FLOOR OVERHANGS AND GABLES - PAINTED
- GALVANIZED METAL TRELLIS - POWDER COATED.

RIGHT ELEVATION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

FRONT ELEVATION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T 714.754.4500 F 714.754.4545
Orange County · San Diego

SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C- UA LOFT
10-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A15.2

DATE/TIME OF PLOT: 10/1/2015 3:02:41 PM
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REAR ELEVATION
RIVERWALK STYLE C
SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

URBAN ARENA
3195 Red Hill Avenue - Lobt F
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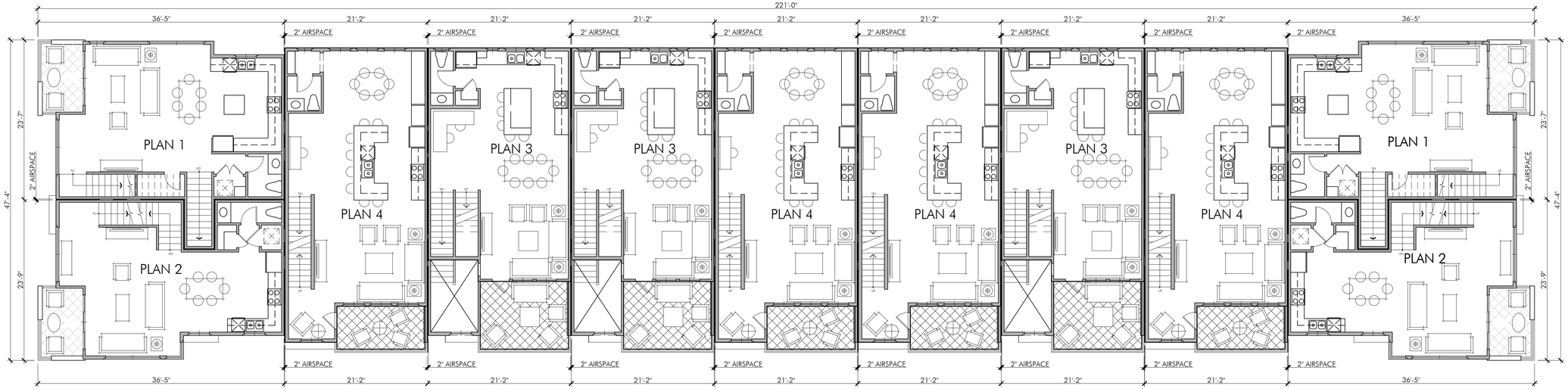
SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C- UA LOFT
10-PLEX COMPOSITE ELEVATIONS

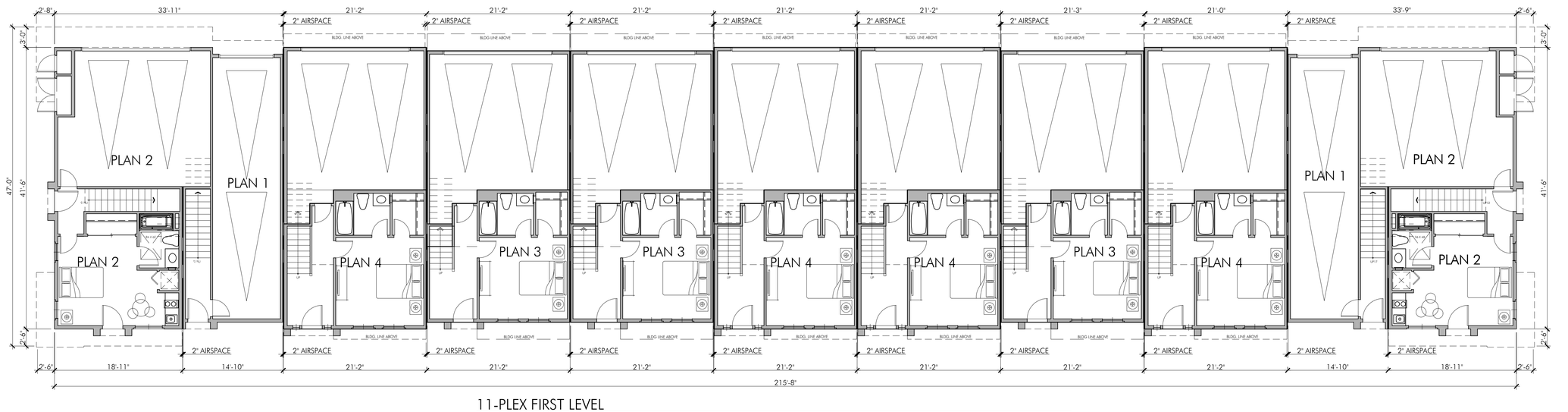
Sheet no.
District - Centre Pointe - Houret
A15.3



11-PLEX SECOND LEVEL

SITE C

SCALE: 1/8" = 1'-0"



11-PLEX FIRST LEVEL

SITE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
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3195 Red Hill Avenue - Lobt F
Costa Mesa, California 92626
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
11-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A16.0

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A12.0 Centre Pointe Site C 11-Plex Composite Plan.dwg
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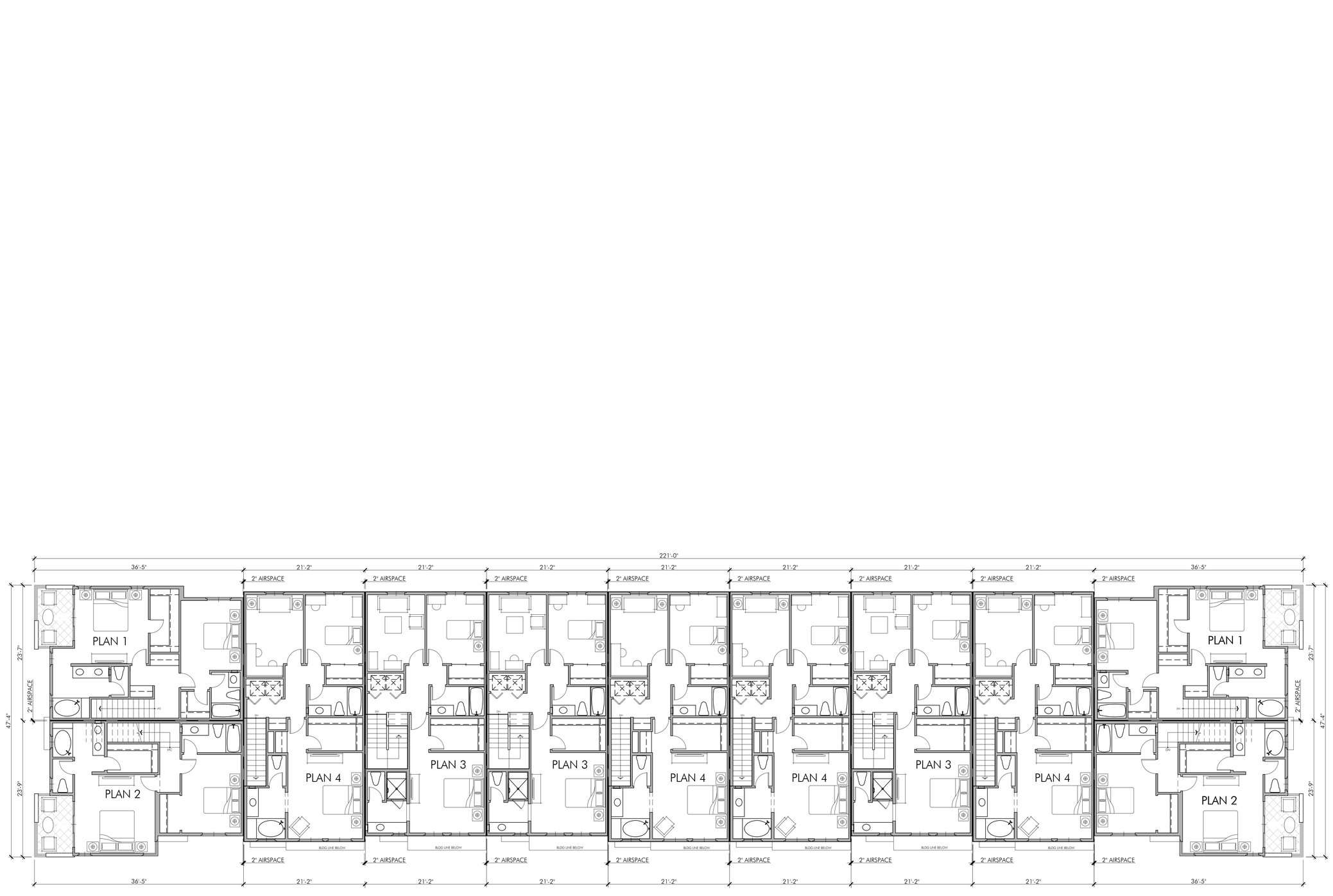

10-PLEX THIRD LEVEL
SITE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
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UA JOB # 15-097

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3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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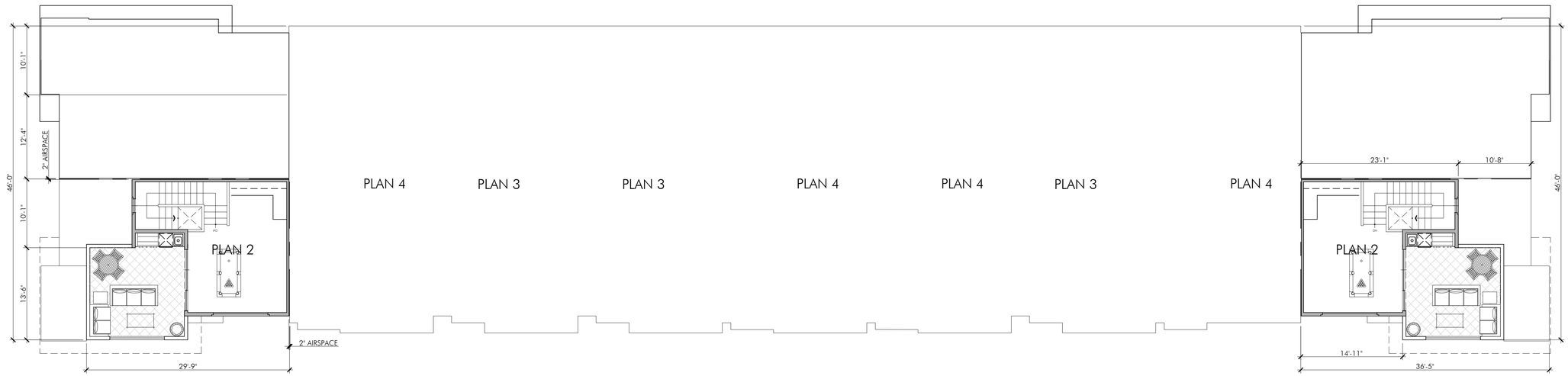
Orange County - San Diego

SCALE: 1/8" = 1'-0"
0 4 8 16 24

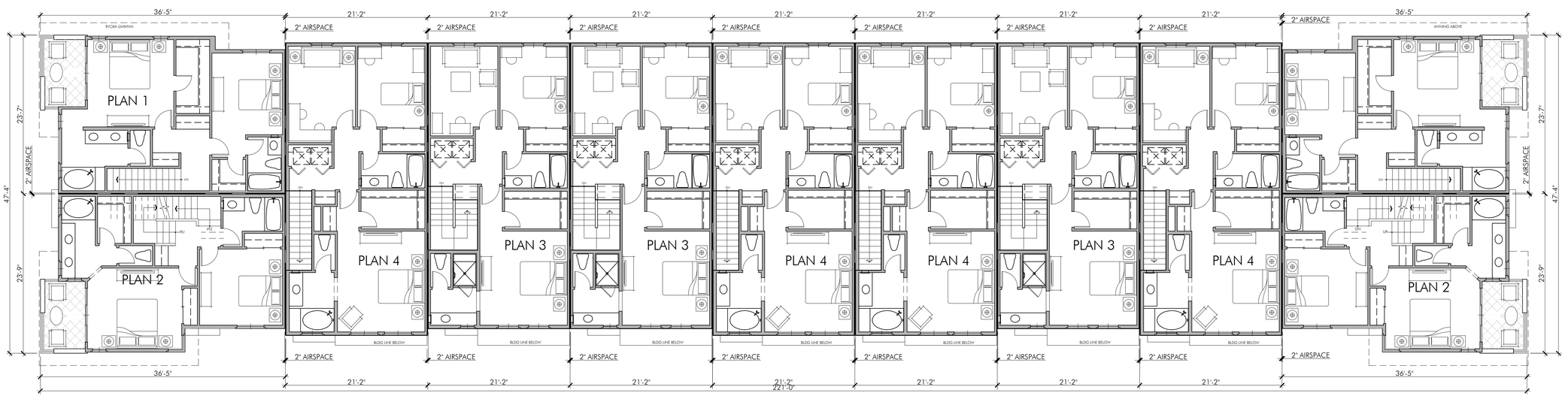
CENTRE POINTE SITE C - UA LOFT
11-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A16.1



11-PLEX FOURTH LEVEL OPTION

SITE C SCALE: 1/8" = 1'-0"



11-PLEX THIRD LEVEL OPTION

SITE C SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C - UA LOFT
11-PLEX COMPOSITE PLANS ALT

Sheet no.
District - Centre Pointe - Houret
A16.2

DATE/TIME OF PLOT: 10/1/2015 3:04:09 PM FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A12.0 Centre Pointe Site C 11-Plex Composite Plan.dwg

LEFT ELEVATION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

RIGHT ELEVATION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

MATERIALS LIST- RIVERWALK

- 30/30 CEMENT PLASTER EXTERIOR FINISH - COLORS WHITE, SAGE GREEN, GREY, ROSE
- GALVANIZED METAL LOUVER AWNINGS - POWDER COATED.
- DECK COLUMNS WITH CEMENT BOARD FACING AND TRIM.
- CEMENT BOARD EXTERIOR HORIZONTAL SIDING
- LOW SLOPE BUILT UP OR SINGLE PLY ROOF.
- ASPHALT SHINGLE SLOPING ROOF
- ANODIZED ALUMINUM WINDOW FRAMES - WHITE
- FIBER GLASS ENTRY DOORS WITH GLASS.
- GALVANIZED METAL DECK RAILING - POWDER COATED.
- CEMENT BOARD DECK FLOOR BANDING.
- GALVANIZED METAL PARAPET FLASHING CAP - PAINTED
- METAL CORBELS AT FLOOR OVERHANGS AND GABLES - PAINTED
- GALVANIZED METAL TRELLIS - POWDER COATED.

FRONT ELEVATION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
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Costa Mesa, California 92626
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C- UA LOFT
11-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A16.3

DATE/TIME OF PLOT: 10/1/2015 3:04:10 PM
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REAR ELEVATION
RIVERWALK STYLE C

SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
UA JOB # 15-097

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Costa Mesa, California 92626
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C- UA LOFT
11-PLEX COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A16.4

LEFT ELEVATION - 4TH STORY OPTION

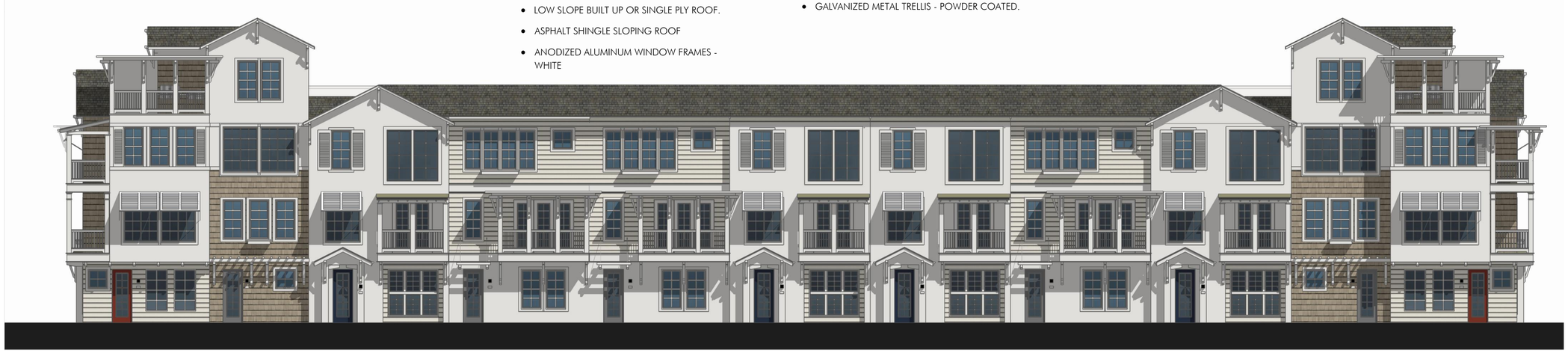
RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

MATERIALS LIST- RIVERWALK

- 30/30 CEMENT PLASTER EXTERIOR FINISH - COLORS WHITE, SAGE GREEN, GREY, ROSE
- GALVANIZED METAL LOUVER AWNINGS - POWDER COATED.
- DECK COLUMNS WITH CEMENT BOARD FACING AND TRIM.
- CEMENT BOARD EXTERIOR HORIZONTAL SIDING
- LOW SLOPE BUILT UP OR SINGLE PLY ROOF.
- ASPHALT SHINGLE SLOPING ROOF
- ANODIZED ALUMINUM WINDOW FRAMES - WHITE
- FIBER GLASS ENTRY DOORS WITH GLASS.
- GALVANIZED METAL DECK RAILING - POWDER COATED.
- CEMENT BOARD DECK FLOOR BANDING.
- GALVANIZED METAL PARAPET FLASHING CAP - PAINTED
- METAL CORBELS AT FLOOR OVERHANGS AND GABLES - PAINTED
- GALVANIZED METAL TRELLIS - POWDER COATED.

RIGHT ELEVATION - 4TH STORY OPTION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"



FRONT ELEVATION - 4TH STORY OPTION

RIVERWALK STYLE C — SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/01/15
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3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C- UA LOFT
11-PLEX COMPOSITE ELEV ALT.

Sheet no.
District - Centre Pointe - Houret
A16.5

FILE NAME: s:\2015 projects\15-097 centre pointe - lyon communities\architecture\Prelim\pending submittal\A12.0 Centre Pointe Site C 11-Plex Composite Plan.dwg
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REAR ELEVATION - 4TH STORY OPTION
RIVERWALK STYLE C
SCALE: 1/8" = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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DATE: 10/01/15
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URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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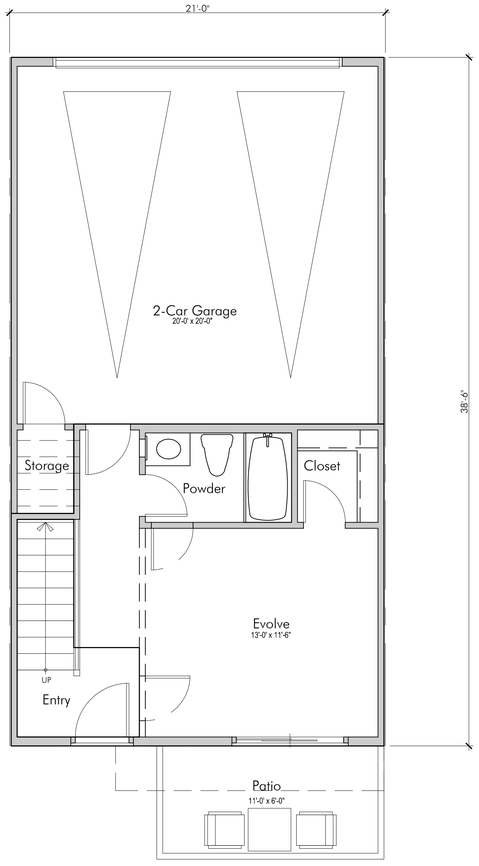
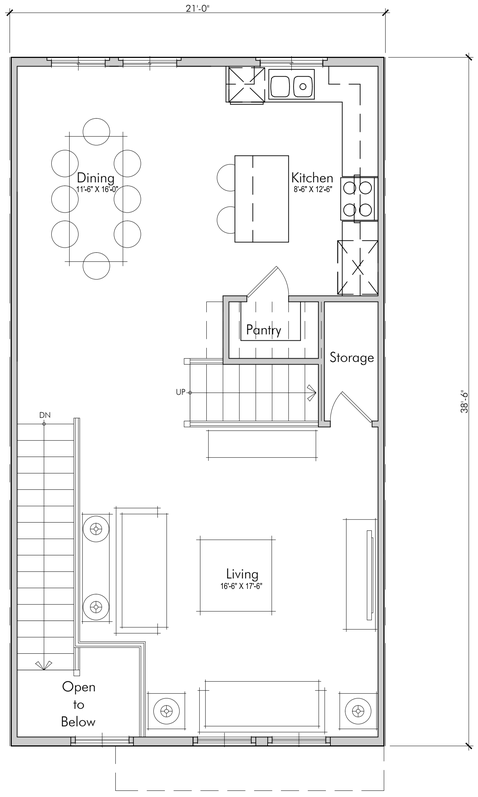
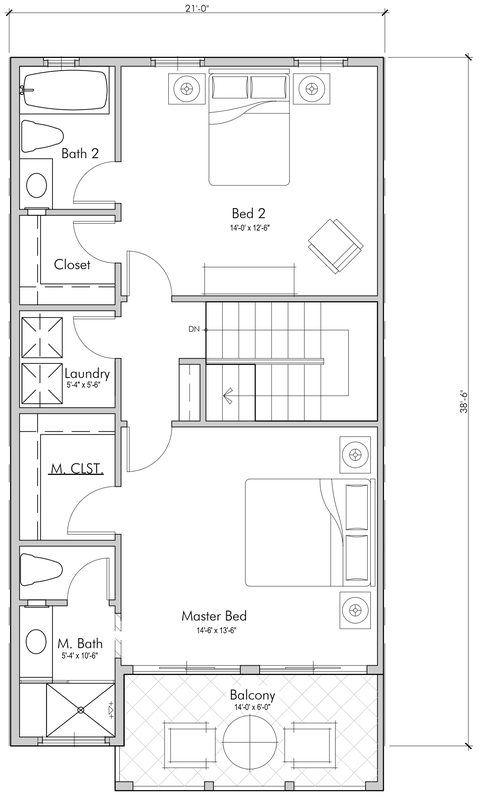
SCALE: 1/8" = 1'-0"
0 4 8 16 24

CENTRE POINTE SITE C- UA LOFT
11-PLEX COMPOSITE ELEV ALT.

Sheet no.
District - Centre Pointe - Houret
A16.6







PLAN 1 -1ST LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 1 -2ND LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 1 -3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN1 AREA CALC

- GARAGE: 2 CAR STANDARD	
- 1ST. FLOOR :	300 S.F.
- 2ND. FLOOR :	802 S.F.
- 3RD. FLOOR :	689 S.F.
- TOTAL :	1,791 S.F.
- BALCONY :	96 S.F.
- GARAGE :	445 S.F.

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DATE/TIME OF PLOT: 10/1/2015 3:04:53 PM

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/1/15
UA JOB # 15-104

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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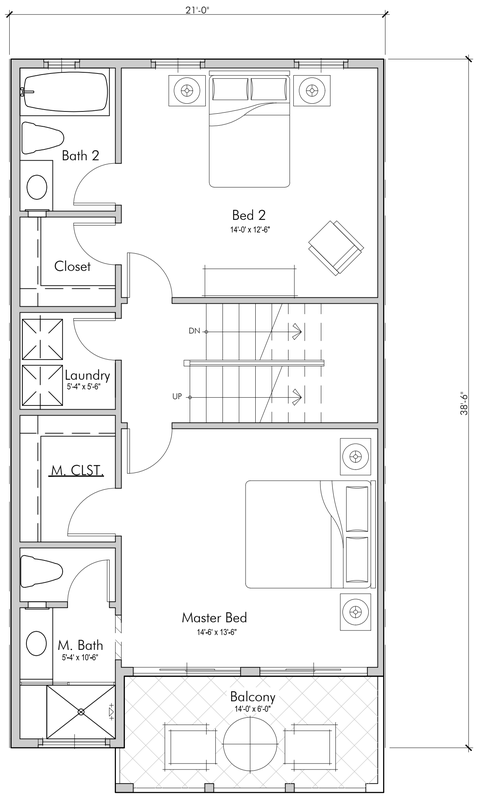
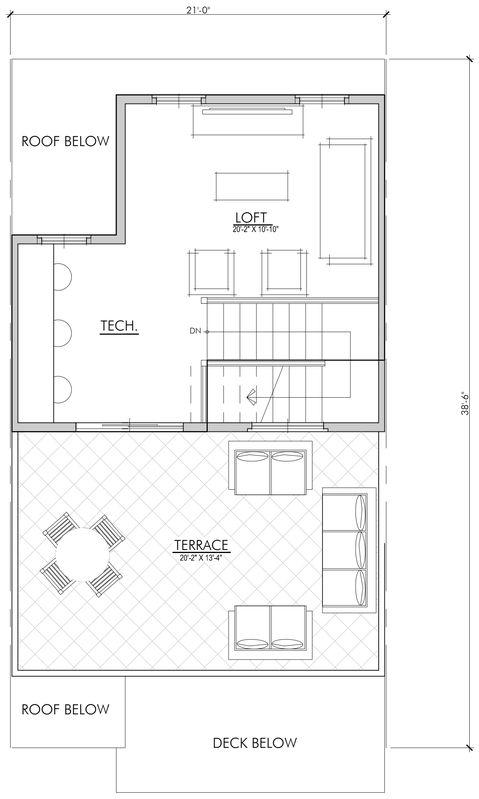
Orange County - San Diego

SCALE: 1/4" = 1'-0"
0 2 4 8 12

HOURET 1 & 2 - UA TOWNS - UNIT 1

Sheet no.
District - Centre Pointe - Houret
A21.0





PLAN 1A -1ST AND 2ND LEVEL

SEE PREVIOUS PAGE — SCALE: 1/4 = 1'-0"

PLAN 1A -3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 1A -4TH LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 1A AREA CALC

-GARAGE: 2 CAR STANDARD	
- 1ST. FLOOR :	300 S.F.
- 2ND. FLOOR :	802 S.F.
- 3RD. FLOOR :	744 S.F.
- 4TH. FLOOR :	307 S.F.
- TOTAL :	2,153 S.F.
- TERRACE :	268 S.F.
- BALCONY :	96 S.F.
- GARAGE :	445 S.F.

FILE NAME: s:\2015 projects\15-104 Houret - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\A21.0 UA 40 Plan 1.dwg

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3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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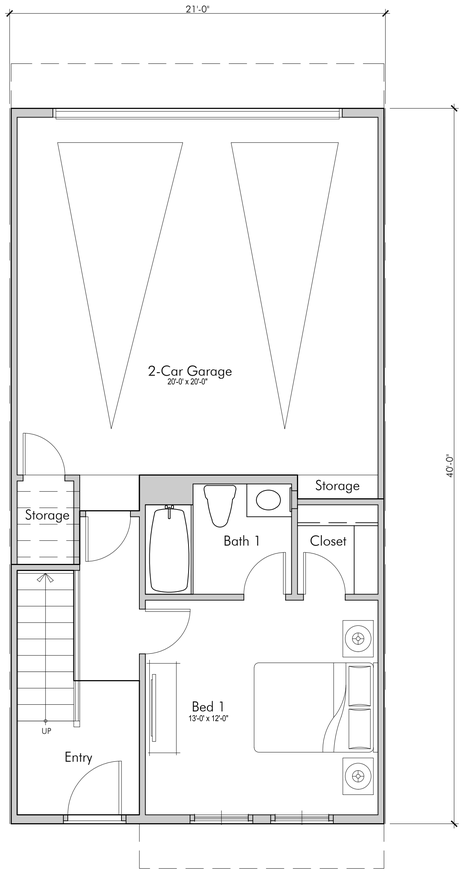
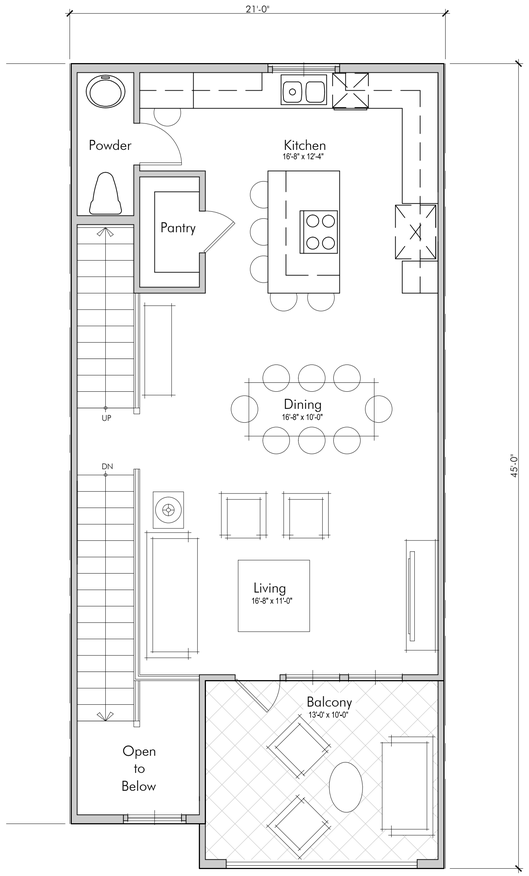
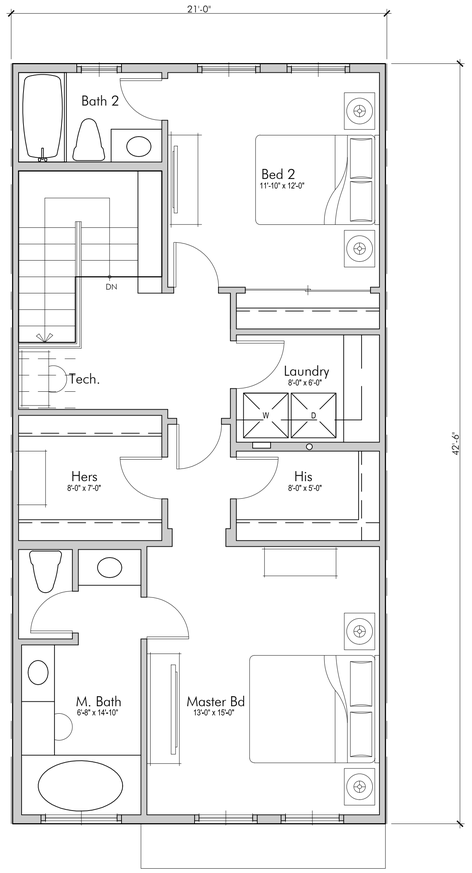
SCALE: 1/4" = 1'-0"
0 2 4 8 12

HOURET 1 & 2 - UA TOWNS - UNIT 1A

Sheet no.
District - Centre Pointe - Houret
A21.1







PLAN 2 -1ST LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 2 -2ND LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 2 -3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN2 AREA CALC

- GARAGE: 2 CAR STANDARD	
- 1ST. FLOOR :	303 S.F.
- 2ND. FLOOR :	779 S.F.
- 3RD. FLOOR :	826 S.F.
- TOTAL :	1,908 S.F.
- BALCONY :	140 S.F.
- GARAGE :	459 S.F.

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DISTRICT - CENTRE POINTE - HOURET

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4901 Birch Street, Newport Beach, CA 92660

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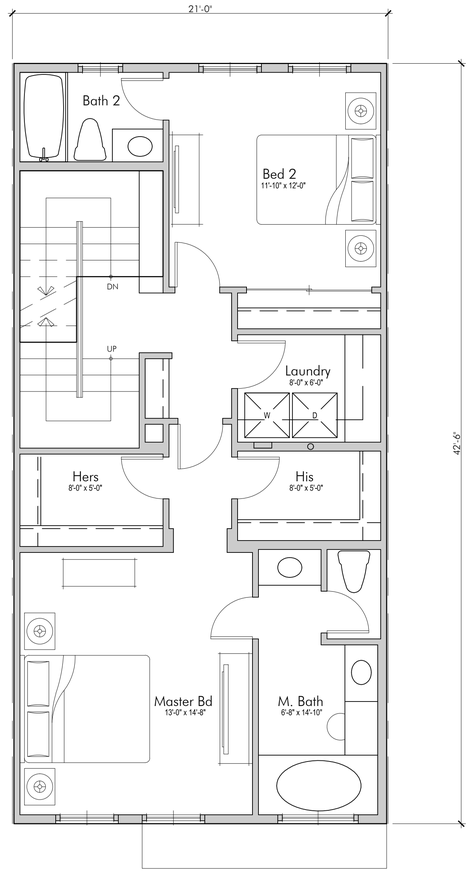
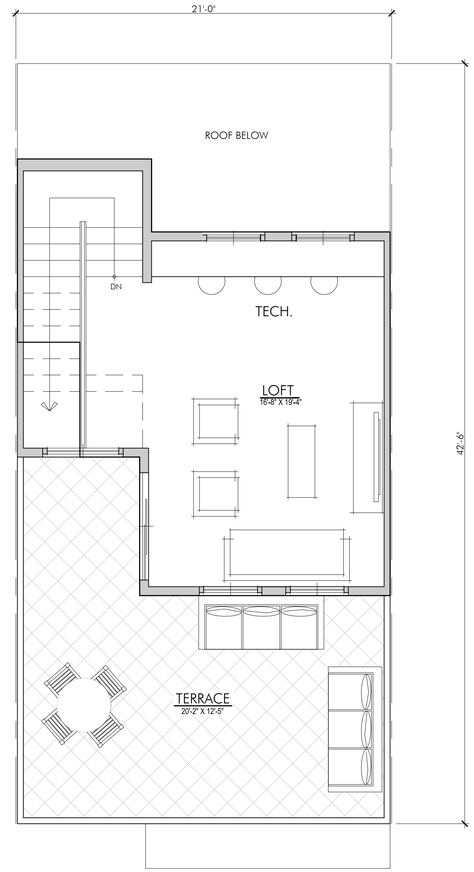
SCALE: 1/4" = 1'-0"
0 2 4 8 12

HOURET 1 & 2 - UA TOWNS - UNIT 2

Sheet no.
District - Centre Pointe - Houret
A21.2





PLAN 2A -1ST & 2ND LEVEL

SEE PREVIOUS SHEET — SCALE: 1/4 = 1'-0"

PLAN 2A -3RD LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN 2A -4TH LEVEL

UNIT PLAN — SCALE: 1/4 = 1'-0"

PLAN2A AREA CALC

- GARAGE: 2 CAR STANDARD	
- 1ST. FLOOR :	303 S.F.
- 2ND. FLOOR :	779 S.F.
- 3RD. FLOOR :	826 S.F.
- 4TH. FLOOR :	378 S.F.
- TOTAL :	2,286 S.F.
- TERRACE :	300 S.F.
- BALCONY :	140 S.F.
- GARAGE :	459 S.F.

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE:10/1/15
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SCALE: 1/4" = 1'-0"
0 2 4 8 12

HOURET 1 & 2 - UA TOWNS - UNIT 2A

Sheet no.
District - Centre Pointe - Houret
A21.3

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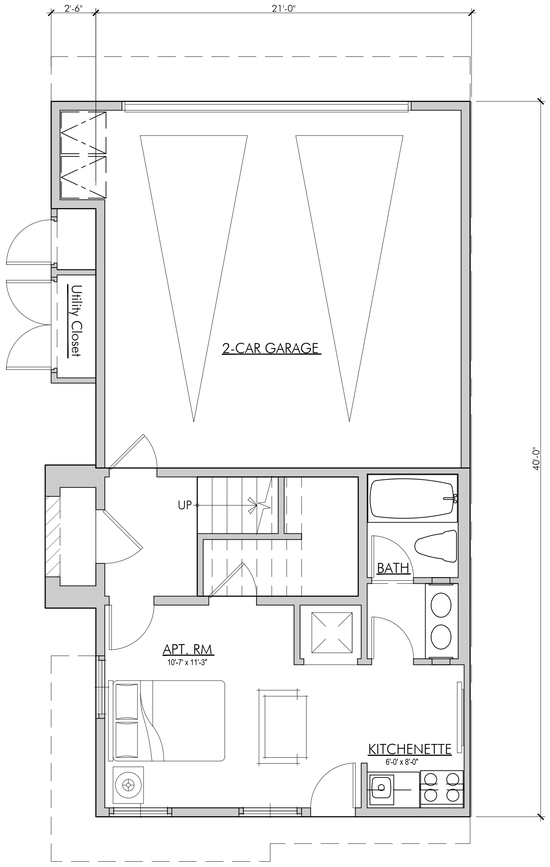
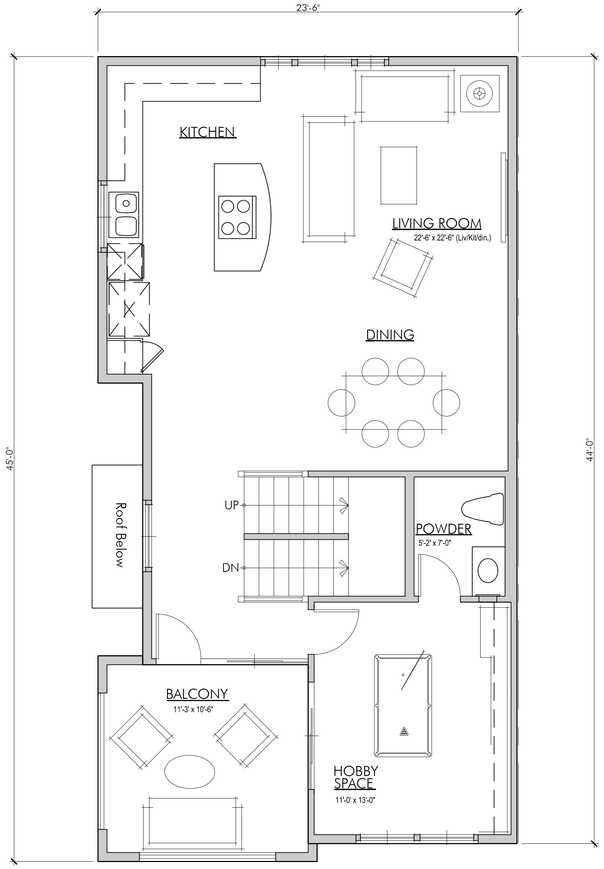


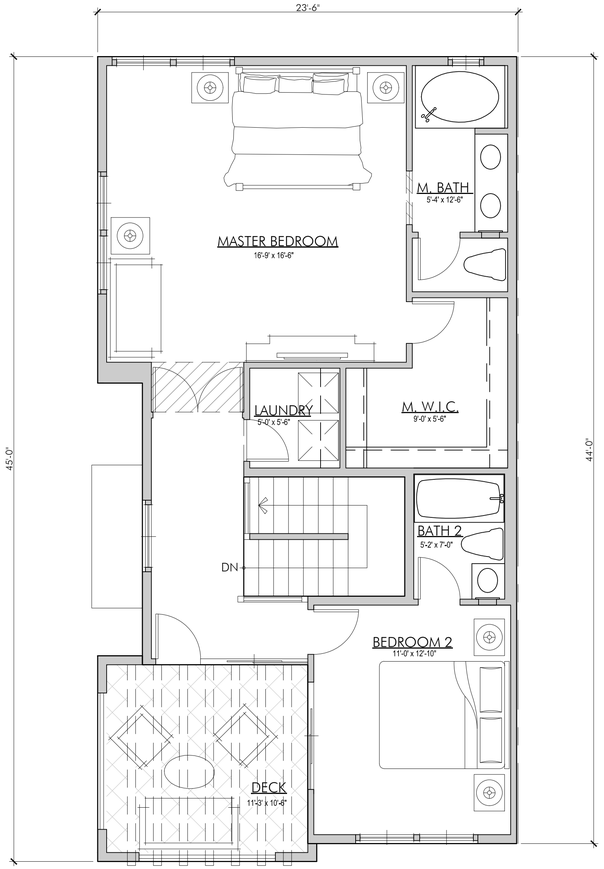
PLAN 3 -1ST LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"



PLAN 3 -2ND LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"



PLAN 3 -3RD LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"

PLAN3 AREA CALC

- GARAGE: 2 CAR STANDARD	
- 1ST. FLOOR :	371 S.F.
- 2ND. FLOOR :	873 S.F.
- 3RD. FLOOR :	813 S.F.
- TOTAL :	2,057 S.F.
- BALCONY :	262 S.F.
- GARAGE :	444 S.F.

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— DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE:10/1/15
UA JOB # 15-104

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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SCALE: 1/4" = 1'-0"
0 2 4 8 12

HOURET 1 & 2 - UA TOWNS - UNIT 3

Sheet no.
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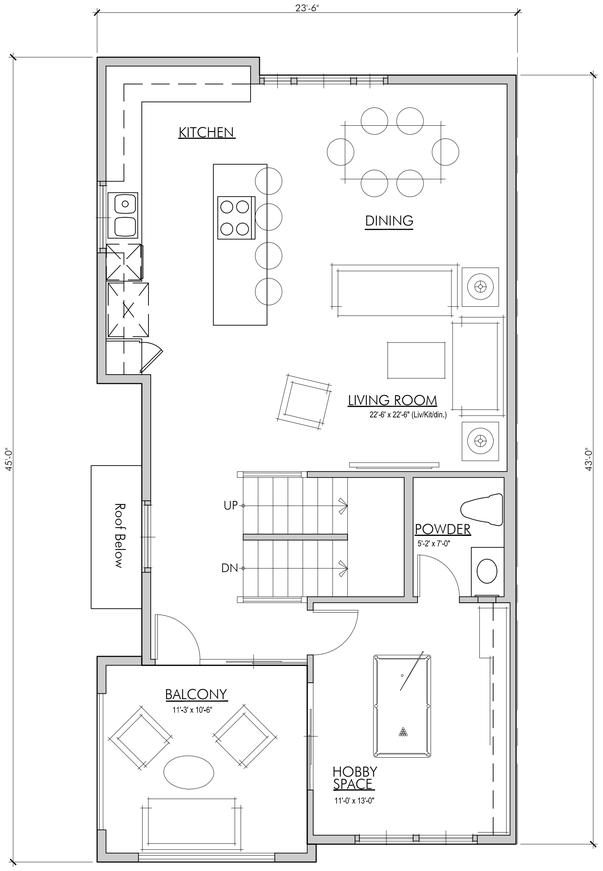
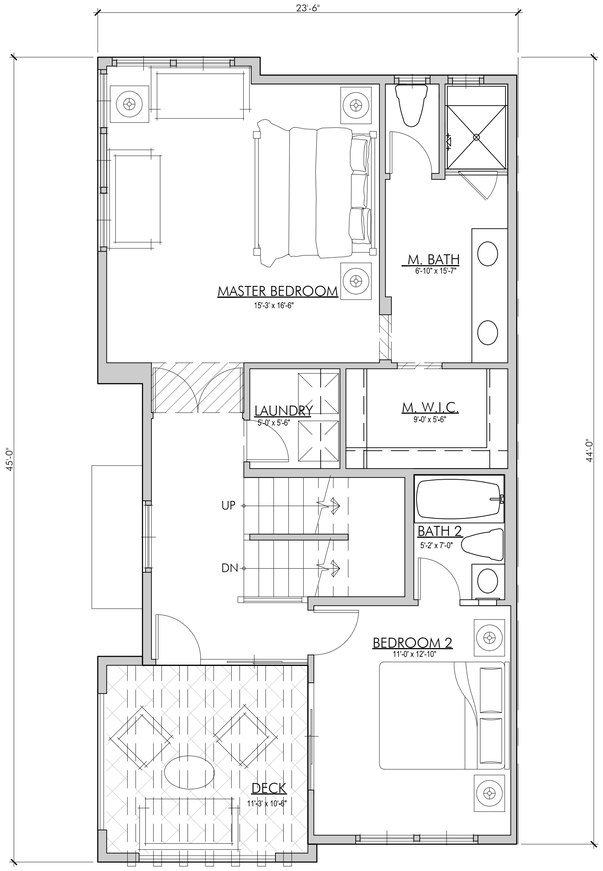
A21.4



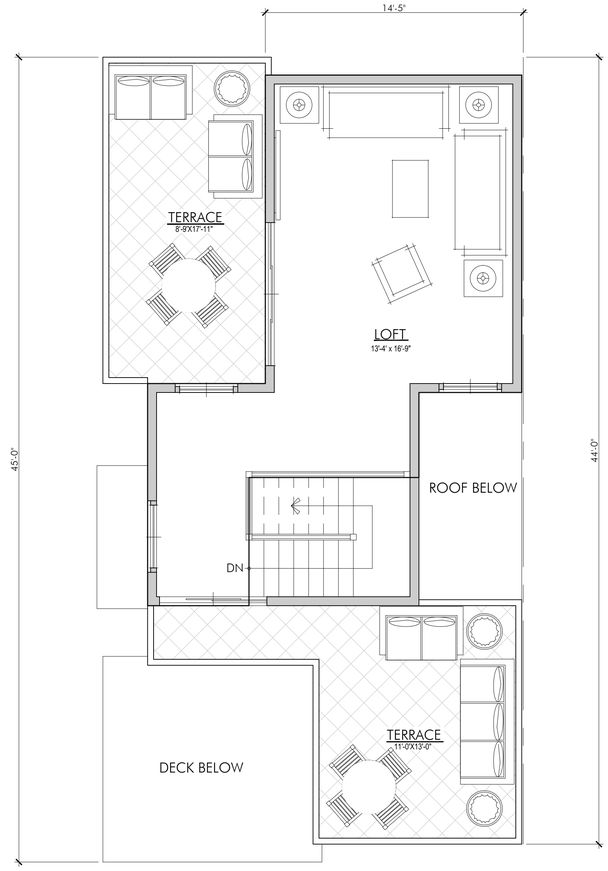
PLAN 3A -1ST LEVEL

SEE PREVIOUS SHEET SCALE: 1/4 = 1'-0"



PLAN 3A -2ND LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"



PLAN 3A -3RD LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"

PLAN 3A -4TH LEVEL

UNIT PLAN SCALE: 1/4 = 1'-0"

PLAN3A AREA CALC

- GARAGE: 2 CAR STANDARD	
- 1ST. FLOOR :	371 S.F.
- 2ND. FLOOR :	859 S.F.
- 3RD. FLOOR :	859 S.F.
- 4th. FLOOR :	370 S.F.
- TOTAL :	2,459 S.F.
- TERRACES :	327 S.F.
- BALCONY :	262 S.F.
- GARAGE :	444 S.F.

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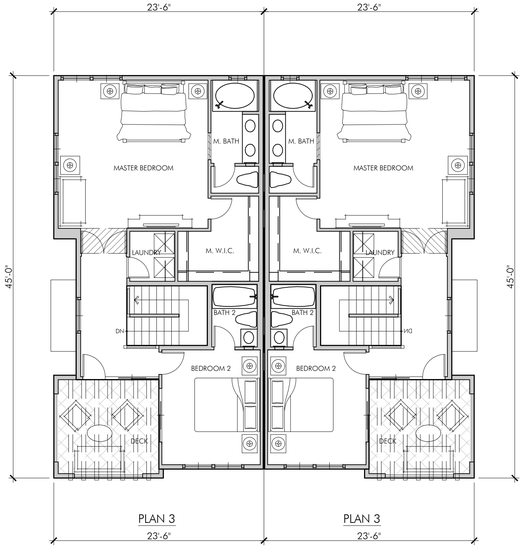
SCALE: 1/4" = 1'-0"
0 2 4 8 12

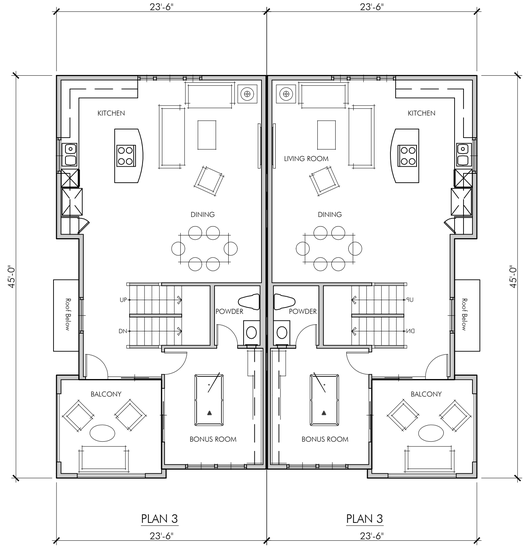
HOURET 1 & 2 - UA TOWNS - UNIT 3A

Sheet no.
District - Centre Pointe - Houret
A21.5



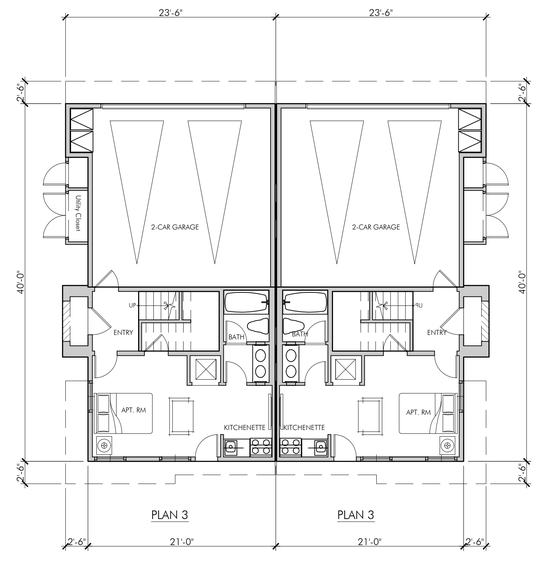
2-PLEX COMPOSITE PLAN

3RD FLOOR SCALE: 1/8 = 1'-0"



2-PLEX COMPOSITE PLAN

2ND FLOOR SCALE: 1/8 = 1'-0"



2-PLEX COMPOSITE PLAN

1ST FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 2-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A22.0

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DATE/TIME OF PLOT: 10/1/2015 3:05:55 PM

2-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR HORIZONTAL SIDING AND TRIM.*
- *BRICK VENEER SIDING*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GAUGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: BRONZE*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

2-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

5-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

2-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 2-PLEX
COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A22.1

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5-PLEX COMPOSITE PLAN
3RD FLOOR SCALE: 1/8 = 1'-0"

5-PLEX COMPOSITE PLAN
2ND FLOOR SCALE: 1/8 = 1'-0"

5-PLEX COMPOSITE PLAN
1ST FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 5-PLEX COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A23.0

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DATE/TIME OF PLOT: 10/1/2015 3:06:45 PM

5-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"

5-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR HORIZONTAL SIDING AND TRIM.*
- *BRICK VENEER SIDING*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GAUGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: BRONZE*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

5-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

5-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 5-PLEX
COMPOSITE ELEVATIONS

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A23.1

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6-PLEX COMPOSITE PLAN

2ND FLOOR SCALE: 1/8 = 1'-0"

6-PLEX COMPOSITE PLAN

1ST FLOOR SCALE: 1/8 = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 6-PLEX COMPOSITE PLANS

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A24.0

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6-PLEX COMPOSITE PLAN
3RD FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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DATE: 10/1/15
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 6-PLEX
COMPOSITE PLANS

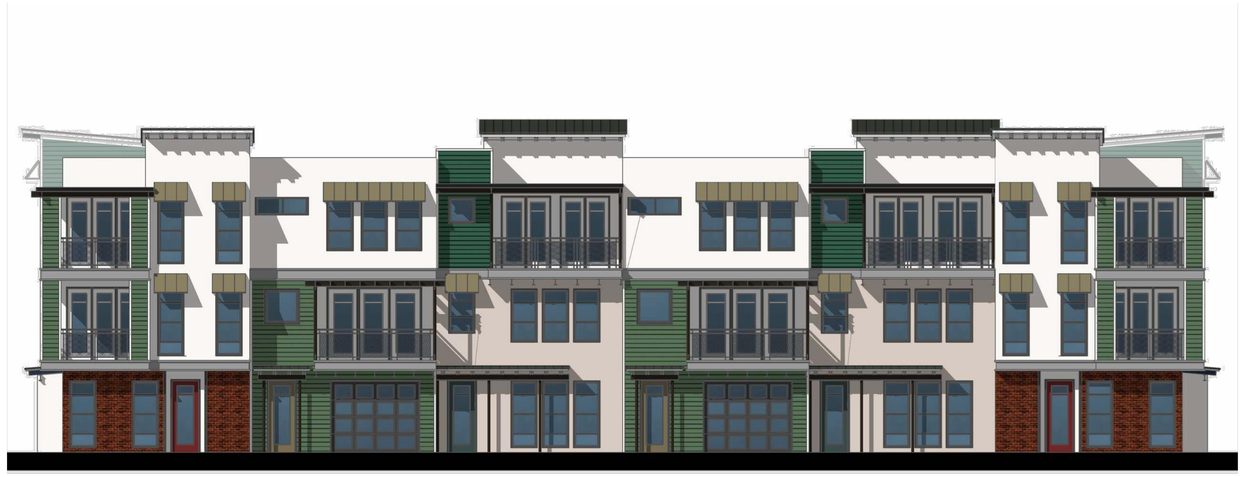
Sheet no.
District - Centre Pointe - Houret
A24.1

6-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR HORIZONTAL SIDING AND TRIM.*
- *BRICK VENEER SIDING*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GAUGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: BRONZE*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*



6-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

6-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

6-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 6-PLEX
COMPOSITE ELEVATIONS

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A24.2

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7-PLEX COMPOSITE PLAN
2ND FLOOR SCALE: 1/8 = 1'-0"

7-PLEX COMPOSITE PLAN
1ST FLOOR SCALE: 1/8 = 1'-0"

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 7-PLEX COMPOSITE PLANS

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A25.0

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7-PLEX COMPOSITE PLAN
3RD FLOOR SCALE: 1/8 = 1'-0"

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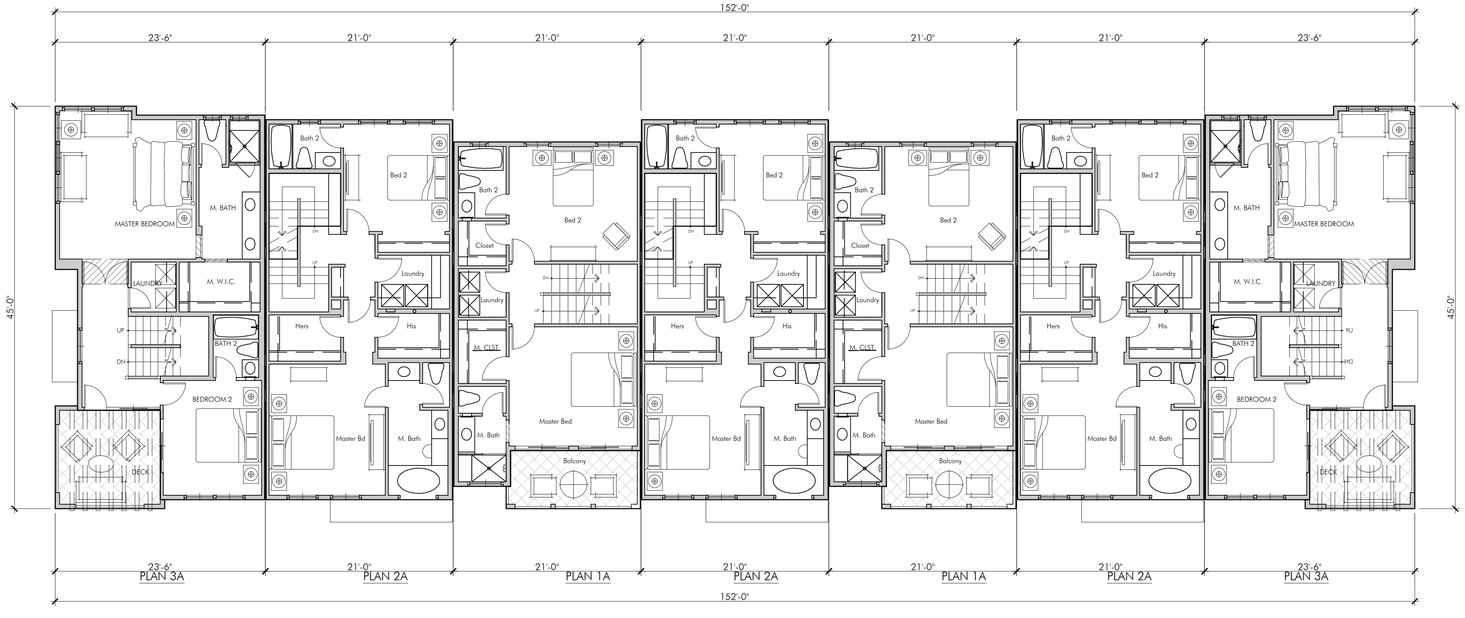
SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 7-PLEX
COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A25.1

7-PLEX COMPOSITE PLAN - 4TH FLOOR OPTION

4TH FLOOR SCALE: 1/8 = 1'-0"



7-PLEX COMPOSITE PLAN - 4TH FLOOR OPTION

3RD FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS -7-PLEX
COMPOSITE PLANS 4TH FLOOR

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7-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"

7-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR HORIZONTAL SIDING AND TRIM.*
- *BRICK VENEER SIDING*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GAUGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: BRONZE*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

7-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

7-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 7-PLEX
COMPOSITE ELEVATIONS

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A25.3

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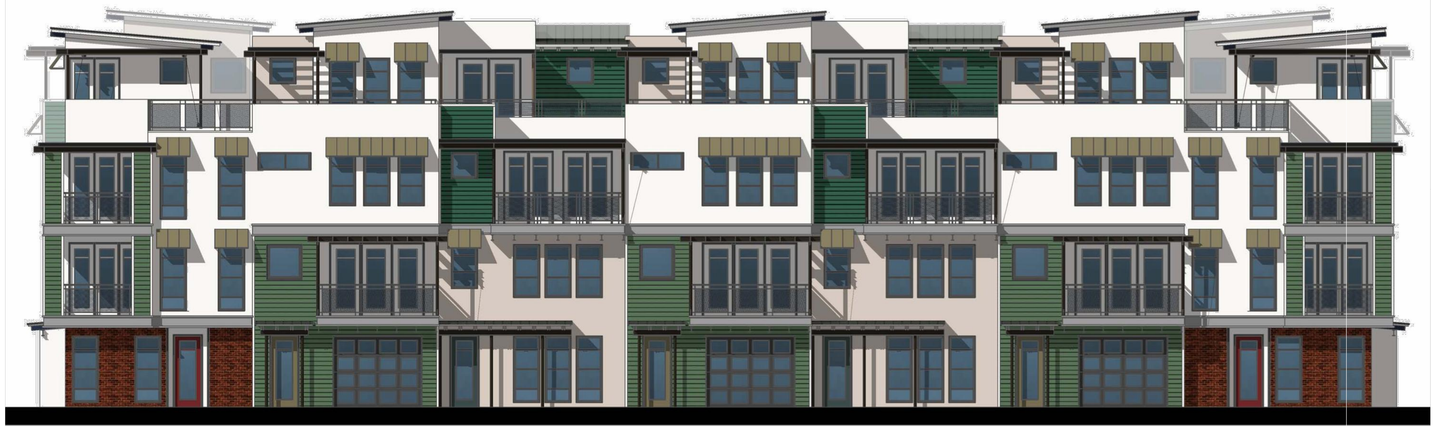
7-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"



7-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR HORIZONTAL SIDING AND TRIM.*
- *BRICK VENEER SIDING*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
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- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

7-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

7-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

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URBAN ARENA
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Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 7-PLEX ELEVATIONS 4TH FLOOR OPT

Sheet no.
District - Centre Pointe - Houret
A25.4

FILE NAME: s:\2015 projects\15-104 Houret - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\A22.0-Houret UA 4O 7-Plex Composite Plan.dwg
DATE/TIME OF PLOT: 10/1/2015 3:09:05 PM

8-PLEX COMPOSITE PLAN
2ND FLOOR — SCALE: 1/8 = 1'-0"

8-PLEX COMPOSITE PLAN
1ST FLOOR — SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/1/15
UA JOB # 15-104

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 8-PLEX
COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A26.0

FILE NAME: s:\2015 projects\15-104 Houret - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\A22.0-Houret UA 40 8-Plex Composite Plan.dwg
DATE/TIME OF PLOT: 10/1/2015 3:09:36 PM

DATE/TIME OF PLOT: 10/1/2015 3:09:53 PM FILE NAME: s:\2015 projects\15-104 Houret - Lyon Communities\ARCHITECTURE\Prelim\Pending Submittal\A22.0-Houret UA 40 8-Plex Composite Plan.dwg

8-PLEX COMPOSITE PLAN

3RD FLOOR SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/1/15
UA JOB # 15-104

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3195 Red Hill Avenue - Loft F
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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 8-PLEX
COMPOSITE PLANS

Sheet no.
District - Centre Pointe - Houret
A26.1

8-PLEX LEFT ELEVATION

SCALE: 1/8 = 1'-0"

8-PLEX FRONT ELEVATION

SCALE: 1/8 = 1'-0"

MATERIALS LIST: CONTEMPORARY AGRARIAN

- *20/30 CEMENT PLASTER EXTERIOR WALL FINISH AND TRIM*
- *CEMENT BOARD EXTERIOR HORIZONTAL SIDING AND TRIM.*
- *BRICK VENEER SIDING*
- *STANDING SEAM SLOPING METAL ROOF ACCENTS*
- *LOW SLOPE BUILT UP OR SINGLE PLY ROOF.*
- *ANODIZED ALUMINUM WINDOW FRAMES.*
- *FIBER GLASS ENTRY DOORS WITH GLASS - COLORS: RED*
- *PAINTED POWDER COAT METAL LOUVER AWNINGS.*
- *PAINTED POWDER COAT METAL CORBEL BRACKETS AT FLOOR OVERHANG AND SLOPING ROOF EAVE.*
- *GAUGE METAL WIRE MESH.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS.*
- *GALVANIZED METAL PARAPET FLASHING CAP.*
- *PAINTED POWDER COAT METAL TUBE TRELLIS AT ENTRY DOOR - COLOR: BRONZE*
- *METAL OVERHEAD ROLL-UP GARAGE DOORS WITH WINDOW LITES.*
- *METAL OVERHEAD ROLL-UP GRIDDED GLASS DOORS AT LIVE WORK SPACE AT GROUND LEVEL.*

8-PLEX RIGHT ELEVATION

SCALE: 1/8 = 1'-0"

8-PLEX REAR ELEVATION

SCALE: 1/8 = 1'-0"

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/1/15
UA JOB # 15-104

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SCALE: 1/8" = 1'-0"
0 4 8 16 24

HOURET 1 & 2 - UA TOWNS - 8-PLEX
COMPOSITE ELEVATIONS

Sheet no.
District - Centre Pointe - Houret
A26.2

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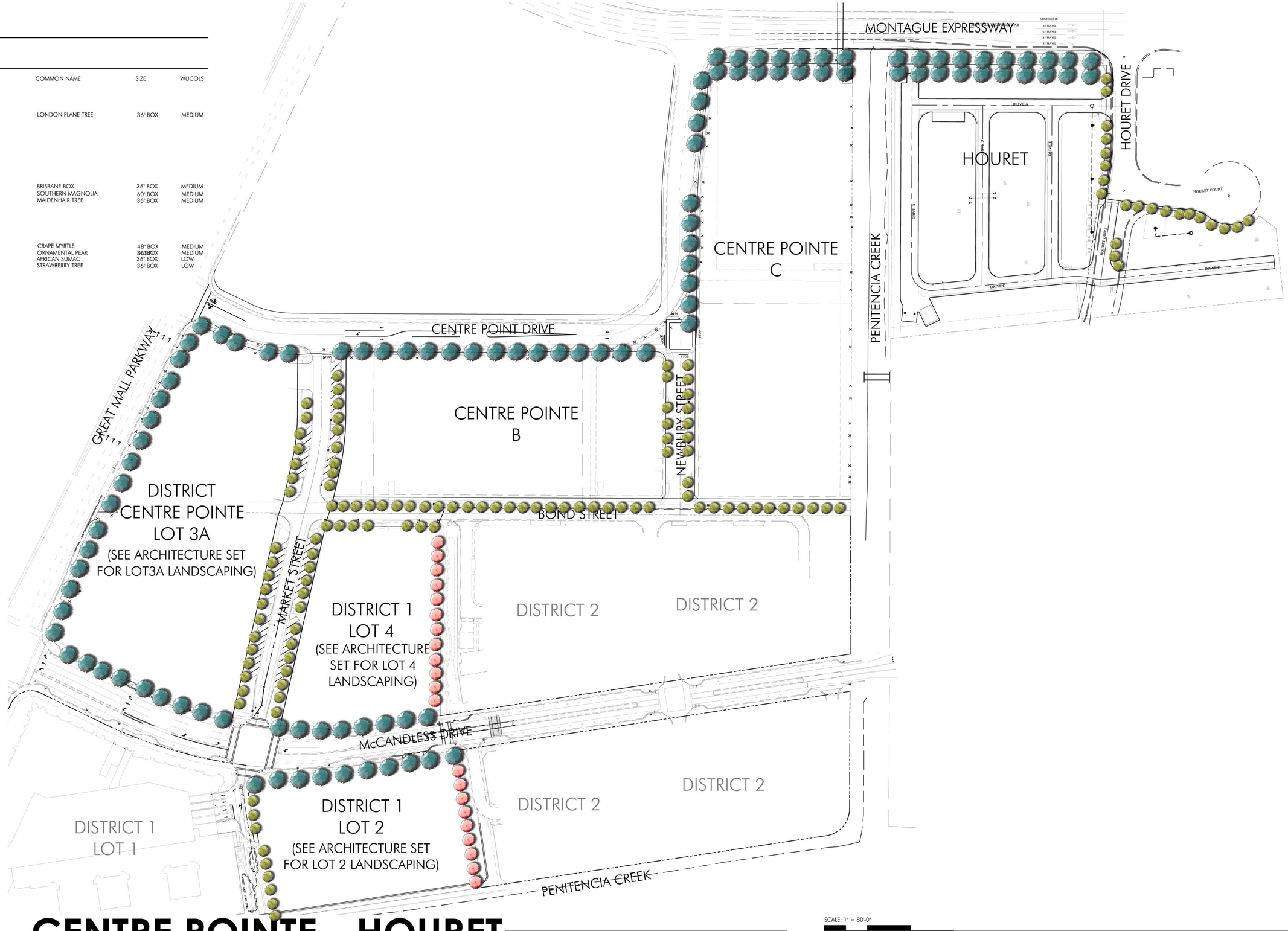
TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	24" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW



DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/02/15
UA JOB # 15-023

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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SCALE: 1" = 80'-0"
0 40 80 160 240
NORTH

Overall Backbone Tree Layout

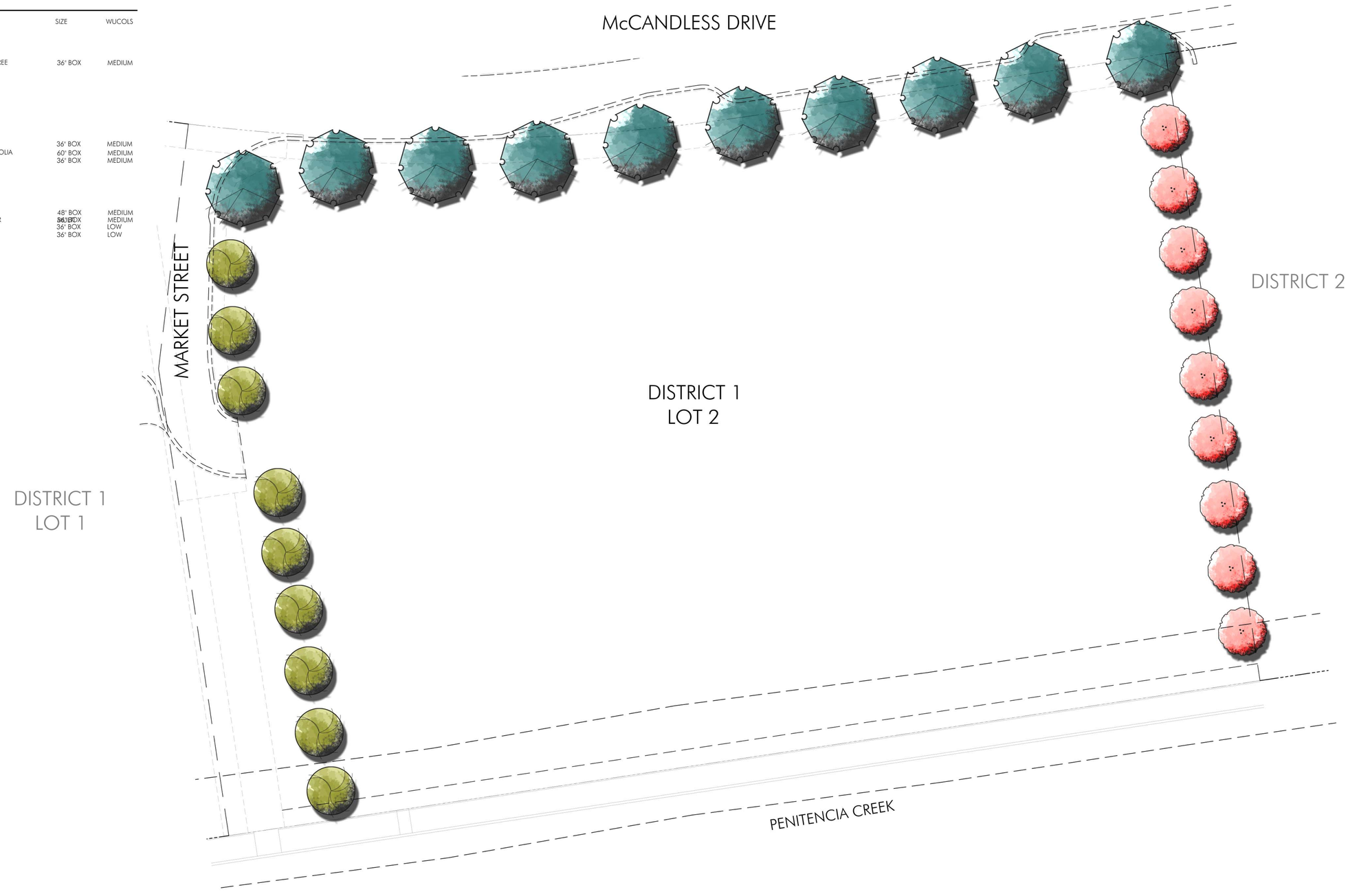
Sheet no.
District - Centre Pointe - Houret
L-01

DATE/TIME OF PLOT: 10/5/2015 8:23:41 AM
FILE NAME: S:\2015 Projects\15-023 The District Lot 1 - Lyon\LANDSCAPE -Prelim\Pending Submittal\15-023_xLAbase.dwg

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW



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DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 9/03/15
UA JOB # 15-023

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SCALE: 1" = 20'-0"
0 10 20 40 60

NORTH

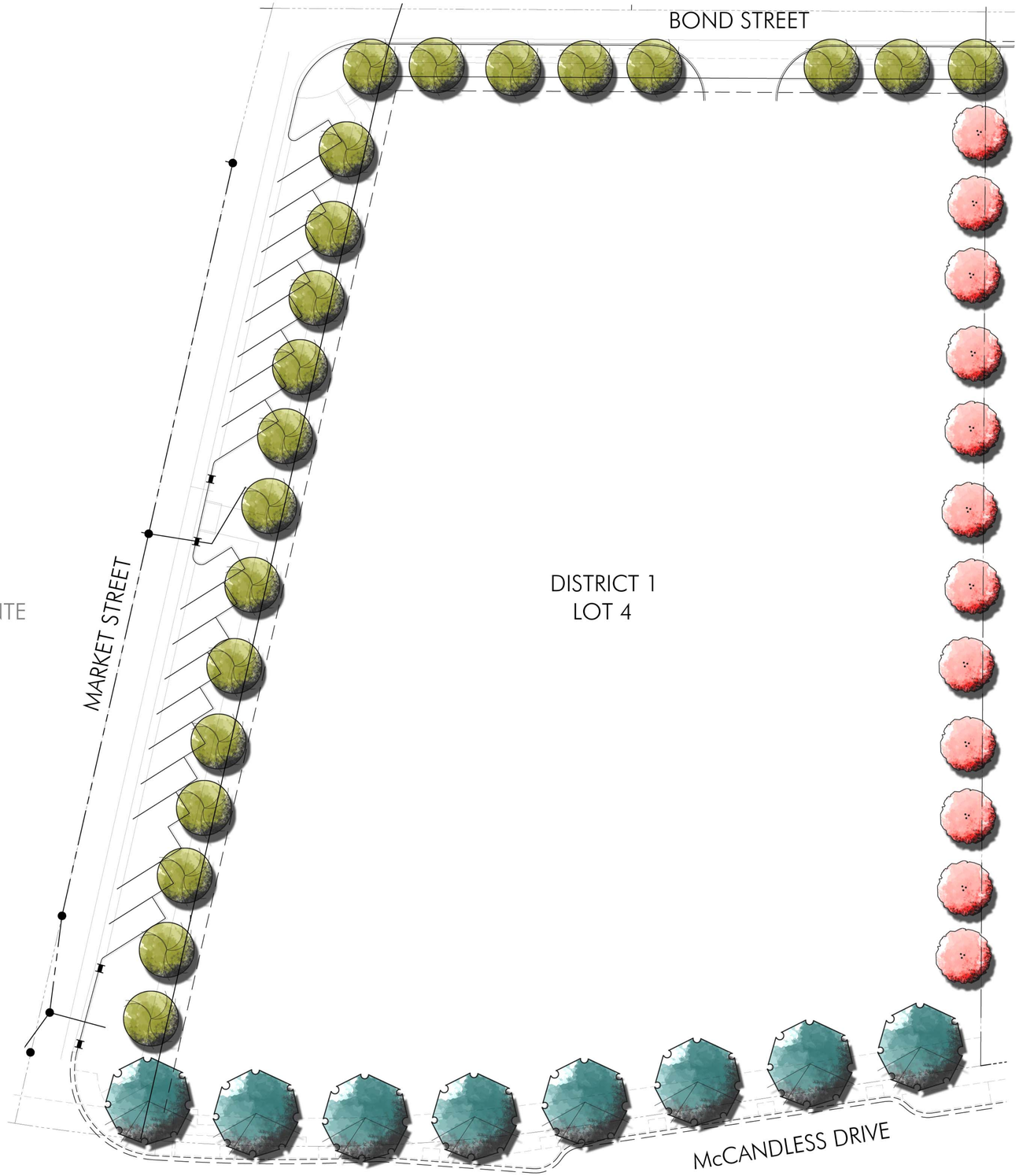
District 1 - Lot 2 Backbone Tree Layout

Sheet no.
District - Centre Pointe - Houret
L-02

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW



DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 9/03/15
UA JOB # 15-023

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SCALE: 1" = 20'-0"
0 10 20 40 60

NORTH

District 1 - Lot 4 Backbone Tree Layout

Sheet no.
District - Centre Pointe - Houret
L-03

DATE/TIME OF PLOT: 15/09/03 4:09:30 PM
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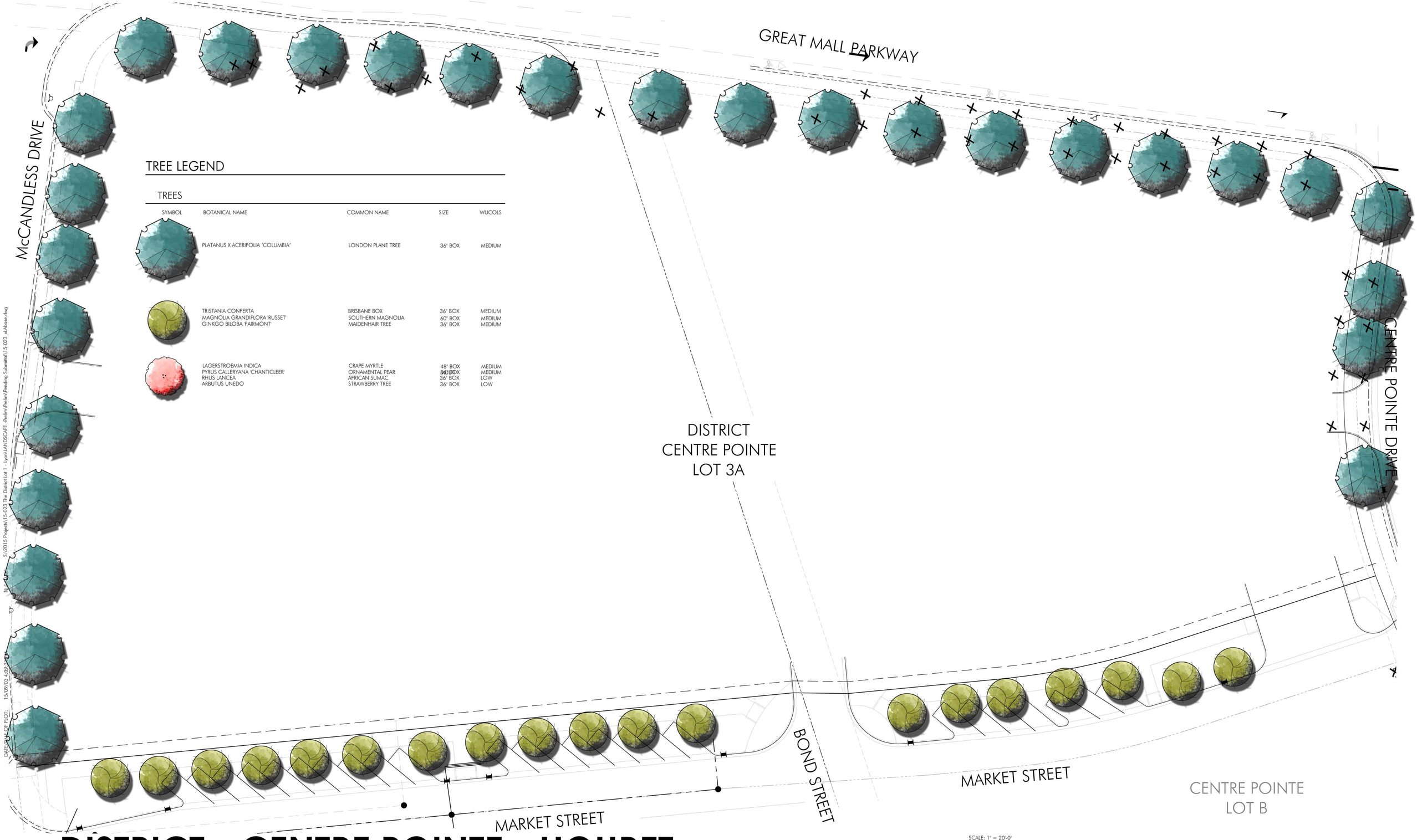

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 9/03/15
UA JOB # 15-023

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SCALE: 1" = 20'-0"
0 10 20 40 60
NORTH

District Centre Pointe - Lot 3A
Backbone Trees

Sheet no.
District - Centre Pointe - Houret
L-04

CENTRE POINTE
LOT C

CENTRE POINTE DRIVE

STOP

STOP

DISTRICT
CENTRE POINTE
LOT 3A

MARKET STREET

NEWBURY STREET

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW

CENTRE POINTE
LOT B

BOND STREET

DISTRICT 1
LOT 4

DISTRICT 2

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 9/03/15
UA JOB # 15-023

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3195 Red Hill Avenue - Loft F
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SCALE: 1" = 20'-0"
0 10 20 40 60

NORTH

Centre Pointe - Lot B Backbone
Tree Layout

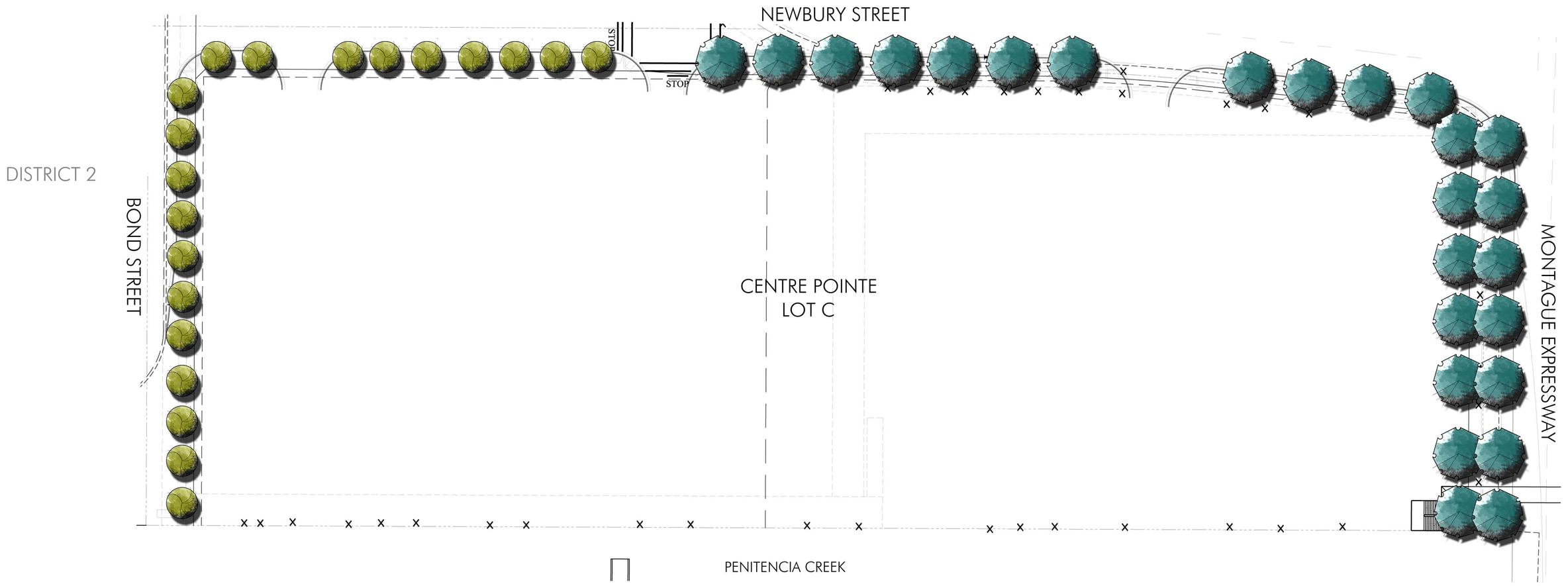
Sheet no.
District - Centre Pointe - Houret
L-05

FILE NAME: S:\2015 Projects\15-023 The District Lot 1 - Lyon\LANDSCAPE - Prelim\Prelim\Pending Submittal\15-023_xLAbase.dwg
DATE/TIME OF PLOT: 15/09/03 4:09:32 PM

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	84" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW



— DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 9/03/15
UA JOB # 15-023

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SCALE: 1" = 30'-0"
0 15 30 60 90

NORTH

Centre Pointe - Lot C Backbone Tree Layout

Sheet no.
District - Centre Pointe - Houret
L-06

DATE/TIME OF PLOT: 15/09/03 4:09:32 PM
FILE NAME: S:\2015 Projects\15-023 The District Lot I - Lyon\LANDSCAPE - Prelim\Prelim\Pending Submittal\15-023_xLAbase.dwg

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW

SEE L-08

DATE/TIME OF PLOT: 10/5/2015 8:19:05 AM
FILE NAME: S:\2015 Projects\15-023 The District Lot 1 - Lyon\LANDSCAPE - Prelim\Prelim\Pending Submittal\15-023_xLAbase.dwg

DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/02/15
UA JOB # 15-023

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3195 Red Hill Avenue - Loft F
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SCALE: 1" = 20'-0"
0 10 20 40 60

NORTH

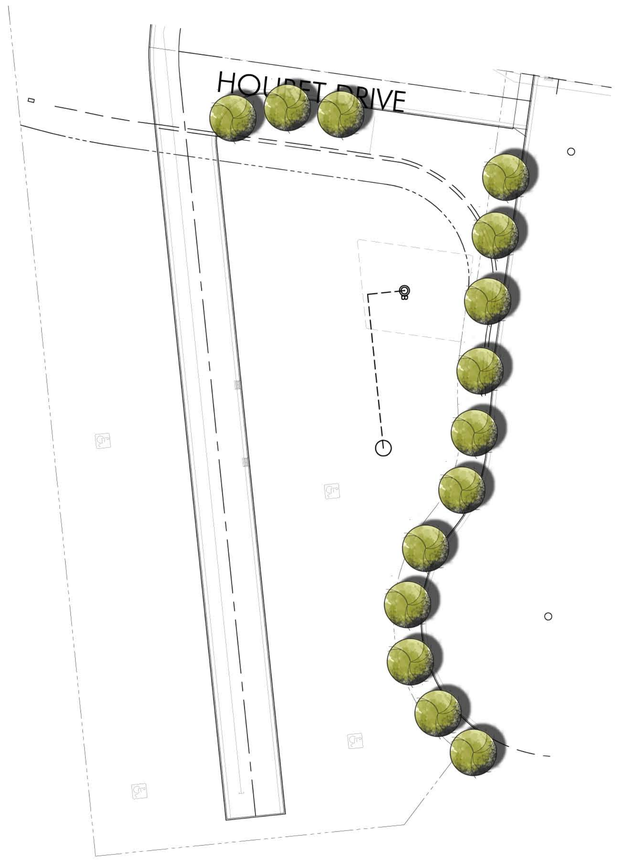
Houret - Backbone Tree Layout

Sheet no.
District - Centre Pointe - Houret
L-07

TREE LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW



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DISTRICT - CENTRE POINTE - HOURET

LYON COMMUNITIES
4901 Birch Street, Newport Beach, CA 92660

Milpitas, CA
DATE: 10/02/15
UA JOB # 15-023

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3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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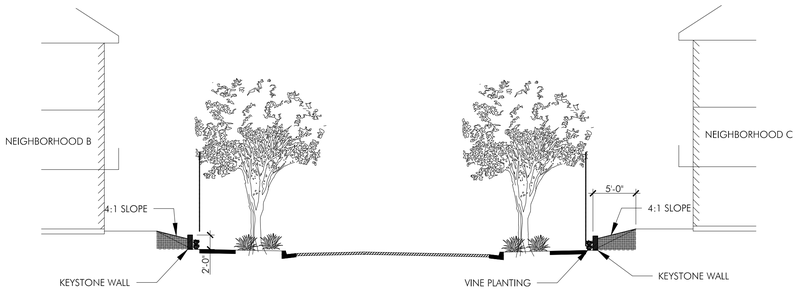
SCALE: 1" = 20'-0"
0 10 20 40 60

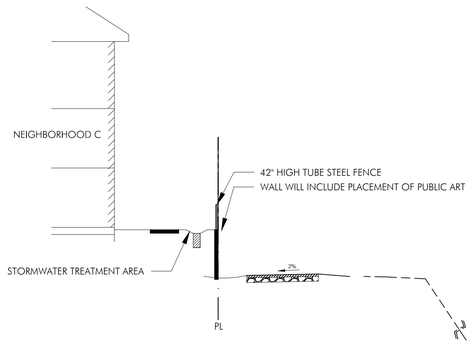
NORTH

Houret - Backbone Tree Layout

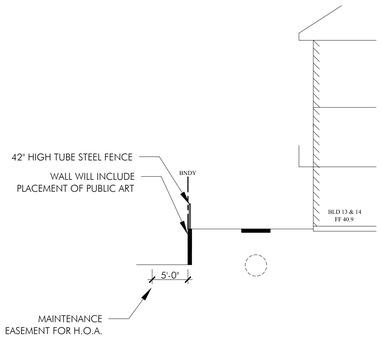
Sheet no.
District - Centre Pointe - Houret
L-08



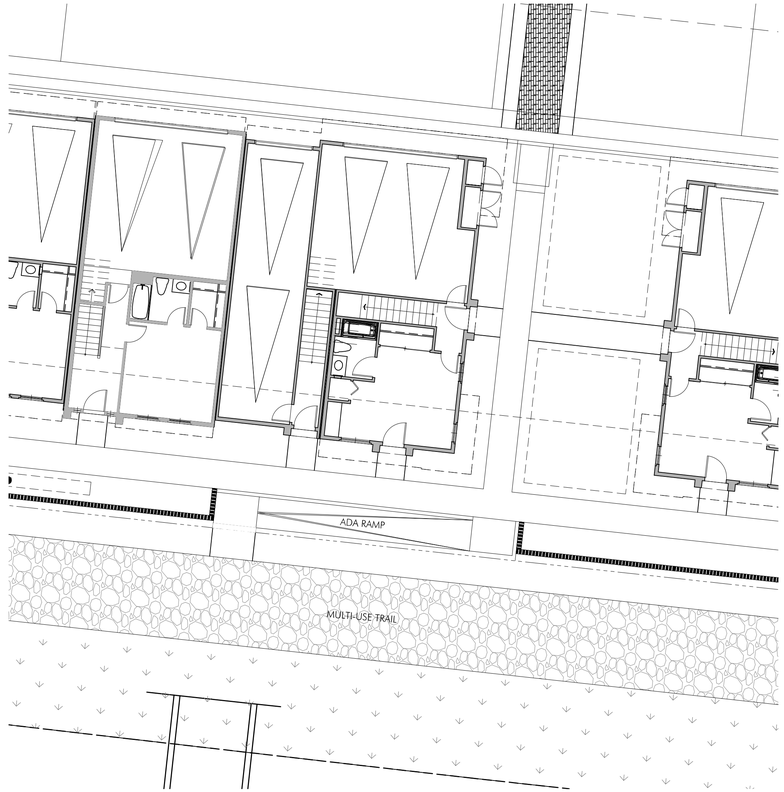
SECTION A - NEWBURY STREET (PRIVATE)



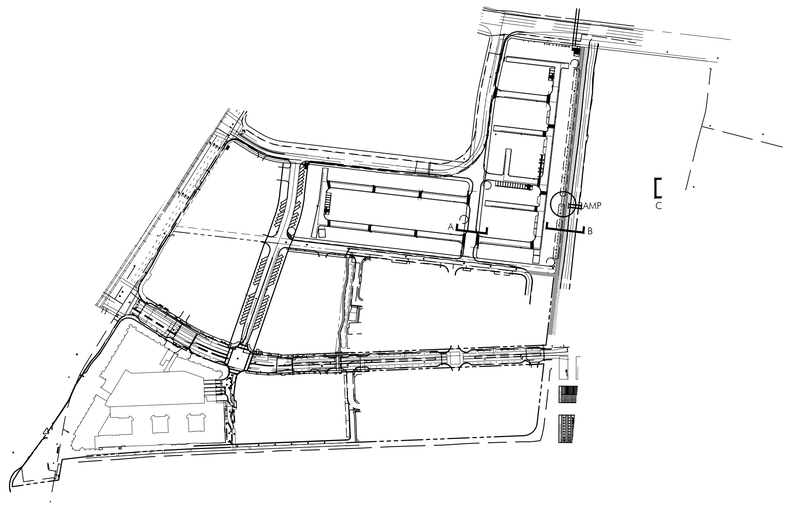
SECTION B - NEIGHBORHOOD C - PENITENCIA CREEK



SECTION C - HOURET - SCHOOL EDGE



ADA RAMP BLOW-UP - SCALE: 1"=10'-0"



SITE MAP - NOT TO SCALE

DISTRICT - CENTRE POINTE - HOURET

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue • Lofr F
Costa Mesa, California 92626
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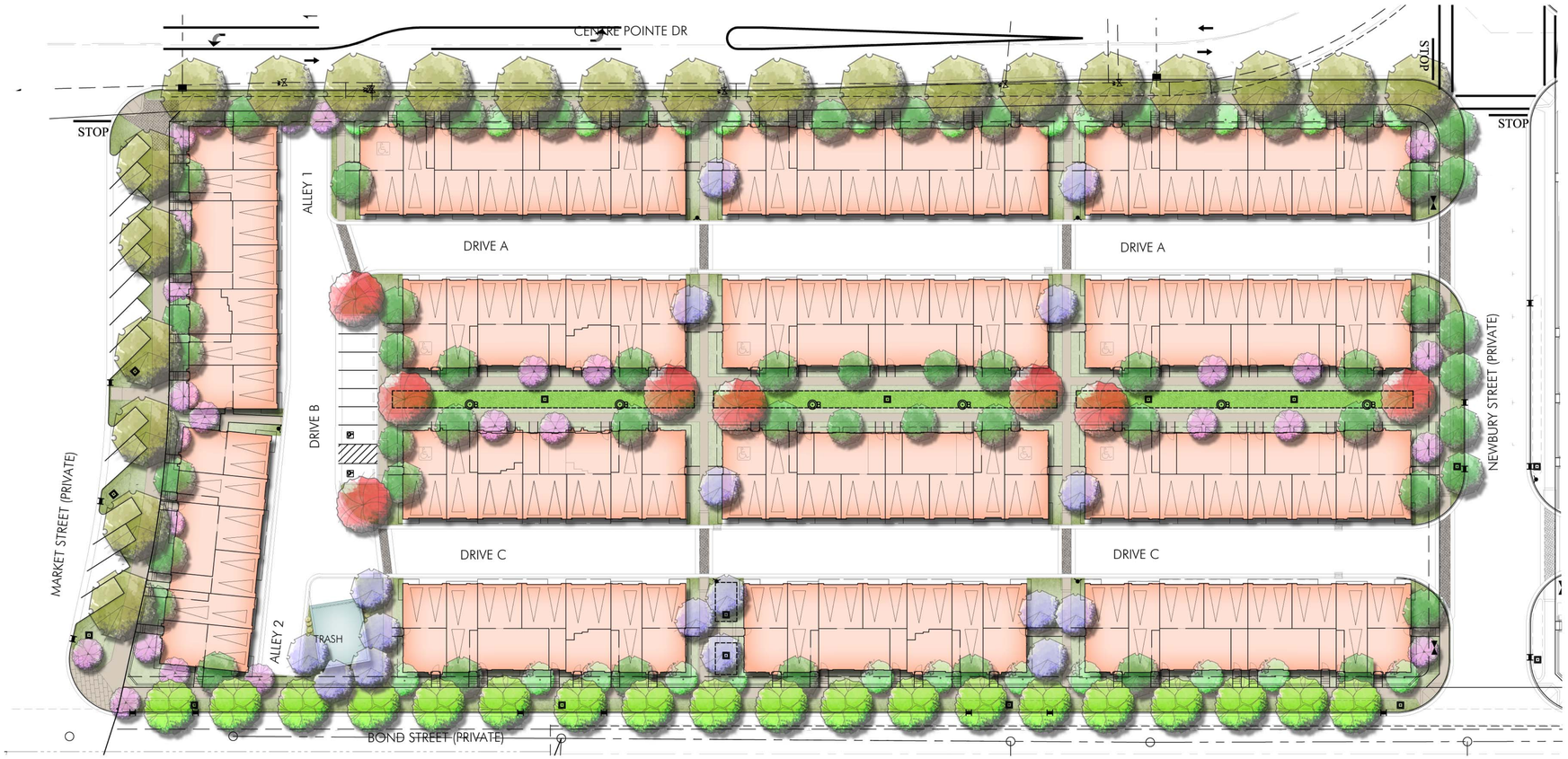
SCALE: 1" = 10'-0"
0 5 10 20 30

NORTH

SITE SECTIONS & BLOW-UP

Entitlement Set
Sheet no.
L-09

DATE/TIME OF PLOT: 10/8/2015 10:15:16 AM
FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-Sections.dwg



ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
2. STREETSCAPE ELEMENTS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO MATCH THE ADJACENT McCANDLESS DRIVE STREETSCAPE ELEMENTS FOR CONTINUITY WITHIN THE TASP AREA. ELEMENT LOCATIONS TO BE COORDINATED WITH THE CITY DURING FINAL PLAN CHECK APPROVALS.

DISTRICT 1 - LOT 4

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL. - 18" OC	MEDIUM
	MARATHON II©	TURF	SOD - ROLLS	HIGH
	VINCA MAJOR 'ALBA'	WHITE PERIWINKLE	1 GAL. - 2' OC	MEDIUM
	VINCA MAJOR 'PURPLE'	PURPLE PERIWINKLE	1 GAL. - 2' OC	MEDIUM

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	FICUS PUMILA	CREEPING FIG	1 GAL. - STAKED	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GAL.	LOW
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	NANDINA DOMESTICA 'GULF STREAM'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
	PENNISETUM S. 'EATON CANYON'	PURPLE FOUNTAIN GRASS	5 GAL.	MEDIUM
	PHORMIUM TENAX 'ATROPURPUREUM'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'DUET'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'MAORI QUEEN'	NEW ZEALAND FLAX	15 GAL.	LOW
	PITTOSPORUM TOBIRA 'CREAM DE MINT'	DWARF VARIEGATED TOBIRA	5 GAL.	LOW
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED TOBIRA	15 GAL.	LOW
	PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	15 GAL.	MEDIUM
	RHAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIA HAWTHORN	5 GAL.	LOW
	ROSA 'ICEBERG'	WHITE ICEBERG ROSE	15 GAL.	MEDIUM
	VIBURNUM TINUS 'SPRING BOUQUET'	COMPACT LAURISTINUS	15 GAL.	MEDIUM

DISTRICT 2

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AGAPANTHUS AFRICANUS 'BLUE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	AGAPANTHUS AFRICANUS 'WHITE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	ASPARAGUS DENSIFLORUS 'MYERS'	MEYERS ASPARAGUS	5 GAL.	MEDIUM
	BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	24" BOX	MEDIUM
	BAMBUSA OLDHAMII	GIANT TIMBER BAMBOO	24" BOX	MEDIUM
	BUXUS M. JAPONICA 'WINTER GEM'	JAPANESE BOXWOOD	5 GAL.	MEDIUM
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL.	MEDIUM
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	MEDIUM
	DIETES BICOLOR	AFRICAN IRIS	15 GAL.	LOW
	DIETES VEGETA 'VARIEGATA'	VARIEGATED FORTNIGHT LILY	15 GAL.	LOW
	DODONAEA VISCOSA 'SARATOGA'	PURPLE HOPSEED BUSH	15 GAL.	LOW
	ESCALLONIA 'FRADESII'	ESCALLONIA	15 GAL.	MEDIUM
	GREWIA OCCIDENTALIS	GREWIA	15 GAL. COLUMNAR	MEDIUM
	HEMEROCALLIS 'DOUBLE ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
	HEMEROCALLIS 'LEMON YELLOW'	HEMEROCALLIS	5 GAL.	MEDIUM
	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	15 GAL.	MEDIUM
	LIRIOPE 'SUNPROOF'	LIRIOPE 'SUNPROOF'	5 GAL.	MEDIUM

PLANTING LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	EXISTING PLATANUS PROTECT IN PLACE	EXISTING PLATANUS PROTECT IN PLACE	N/A	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX MULTI	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM

CENTRE POINTE - NEIGHBORHOOD B

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan
Neighborhood B

Entitlement Set
Sheet no.
B.L-01

FILE NAME: S:\2013 Projects\13-079 Centre Pointe\LANDSCAPE\Prelim\Pending Submittal\13-079-layouts-Neighborhoods_BC.dwg

DATE/TIME OF PLOT: 10/1/2015 3:34:23 PM

ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
2. STREETSCAPE ELEMENTS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO MATCH THE ADJACENT McCANDLESS DRIVE STREETSCAPE ELEMENTS FOR CONTINUITY WITHIN THE TASP AREA. ELEMENT LOCATIONS TO BE COORDINATED WITH THE CITY DURING FINAL PLAN CHECK APPROVALS.

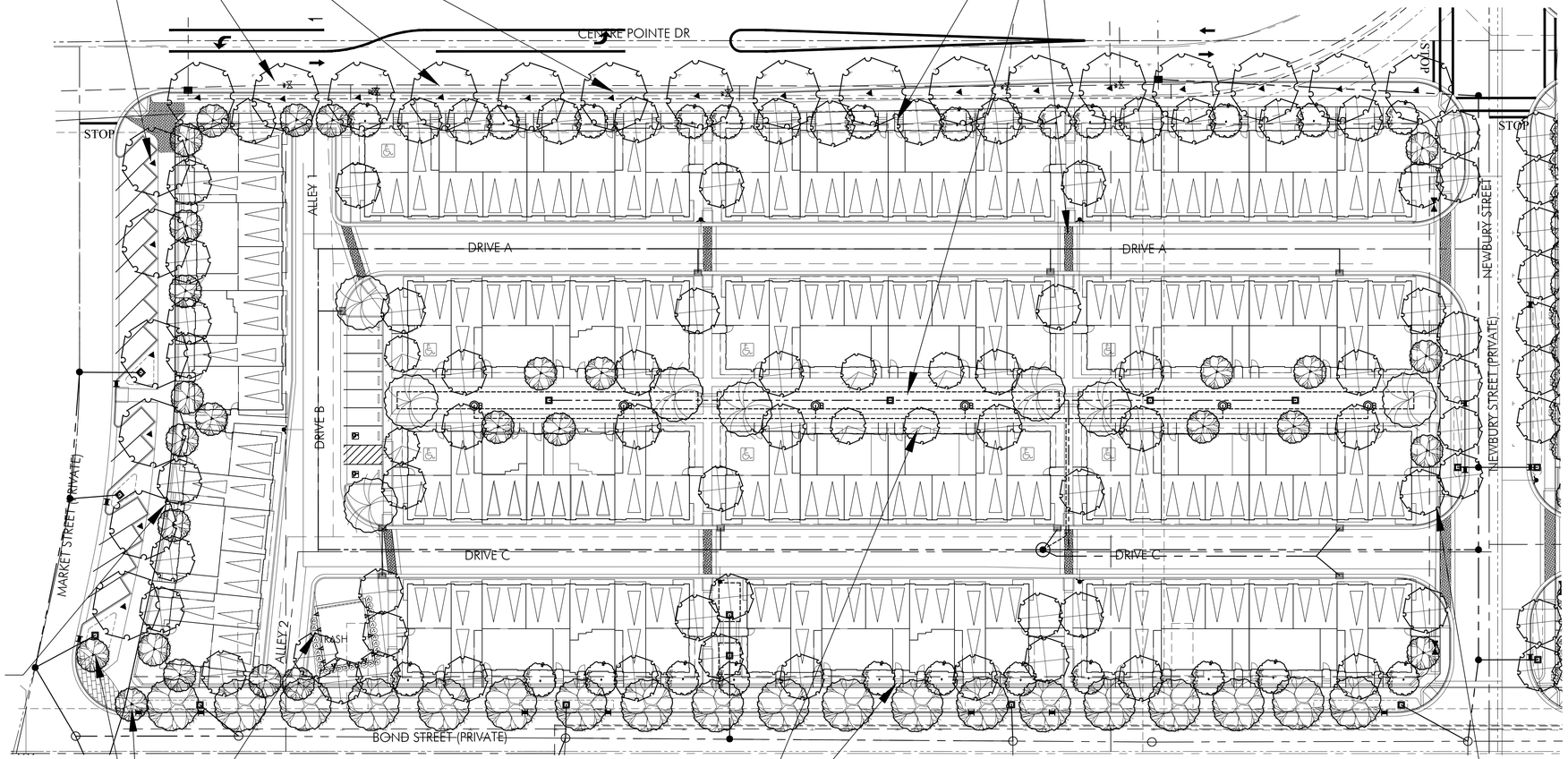
SINGLE ROW OF LONDON PLANE TREE
APPROX. 40' O.C.
[PLATANUS X ACERIFOLIA]

MARKET STREET TREES AND PLANTING SCHEME
TO CORRESPOND WITH DISTRICT 1 - LOT 4
UTILIZING LONDON PLANE TREE
[PLATANUS X ACERIFOLIA] AS THE STREET TREE

STEPS TO CENTRE POINTE DRIVE TYPICAL

WATER TREATMENT AREAS

ENHANCED INTERNAL CROSSWALKS



STEPS TO MARKET STREET TYPICAL

DISTRICT 1 - LOT 4

DISTRICT 2

PASEO ACCENT ENTRY TREE

STEPS TO BOND STREET TYPICAL

EVERGREEN TREE TO ALLEY ENTRANCE

ENTRY STREET TREE - CRAPE MYRTLE

ENCLOSED TRASH ENCLOSURE WITH
PLANT SCREENED WALLS

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CENTRE POINTE - NEIGHBORHOOD B

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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Orange County - San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan
Neighborhood B

Entitlement Set
Sheet no.
B.L-02

ADDITIONAL NOTES & PROJECT REQUIREMENTS

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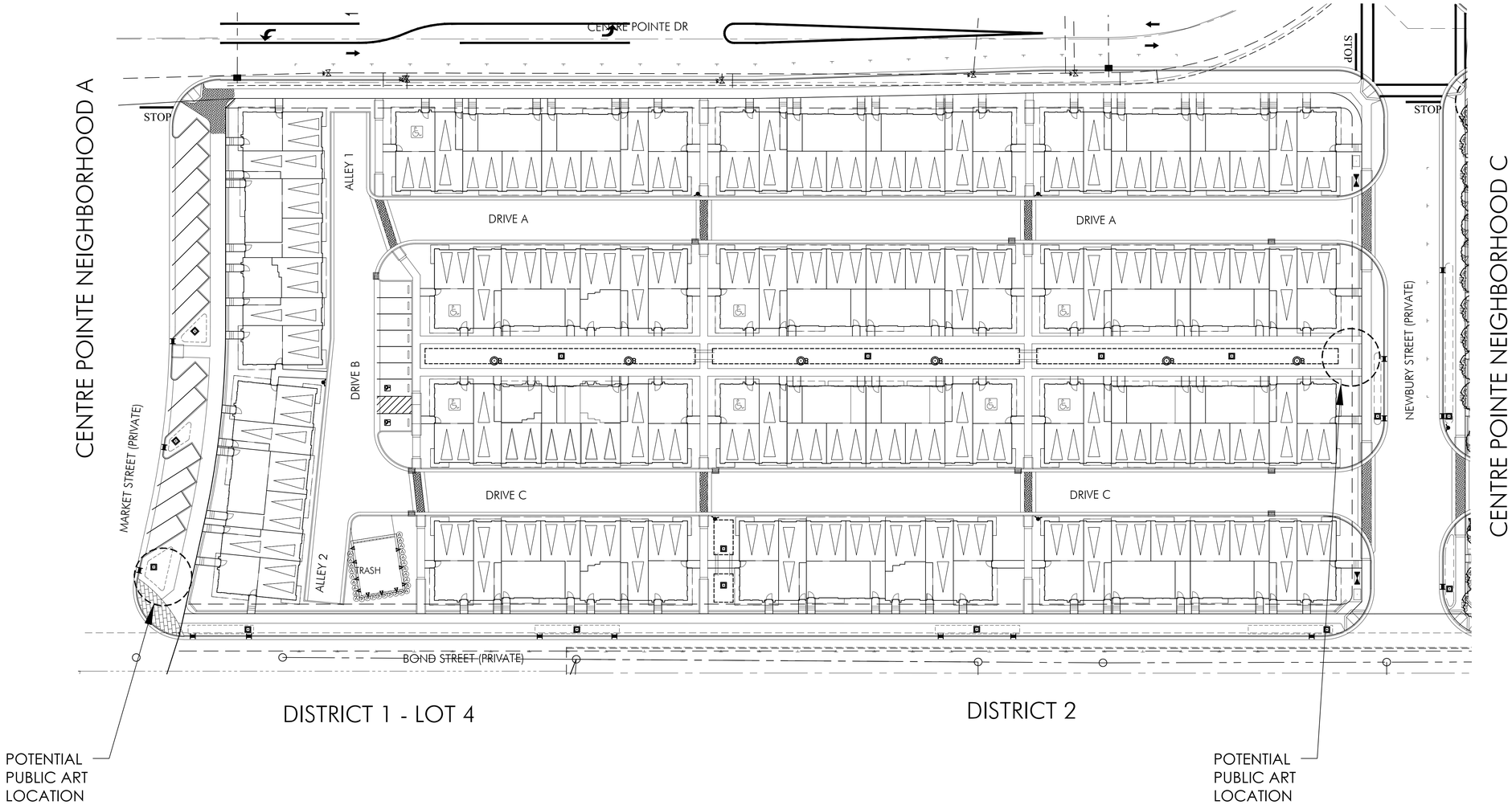

CENTRE POINTE - NEIGHBORHOOD B

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

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0 15 30 60 90

NORTH

POTENTIAL PUBLIC ART LOCATIONS

Neighborhood B

Entitlement Set
Sheet no.
B.L-03

DATE/TIME OF PLOT: 10/1/2015 5:41:51 PM
FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-Layouts-Neighborhoods_BC.dwg

CENTRE POINTE NEIGHBORHOOD B

ADDITIONAL NOTES & PROJECT REQUIREMENTS

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PLANTING LEGEND

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL. - 18" OC	MEDIUM
	MARATHON IE	TURF	SOD - ROLLS	HIGH
	VINCA MAJOR 'ALBA'	WHITE PERIWINKLE	1 GAL. - 2' OC	MEDIUM
	VINCA MAJOR 'PURPLE'	PURPLE PERIWINKLE	1 GAL. - 2' OC	MEDIUM

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	FICUS PUMILA	CREEPING FIG	1 GAL. - STAKED	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GAL.	LOW
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	NANDINA DOMESTICA 'GULF STREAM'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
	PENNISETUM S. 'EATON CANYON'	PURPLE FOUNTAIN GRASS	5 GAL.	MEDIUM
	PHORMIUM TENAX 'ATROPUREUM'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'DUET'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'MAORI QUEEN'	NEW ZEALAND FLAX	15 GAL.	LOW
	PITTOSPORUM TOBIRA 'CREAM DE MINT'	DWARF VARIEGATED TOBIRA	5 GAL.	LOW
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED TOBIRA	15 GAL.	LOW
	PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	15 GAL.	MEDIUM
	RHAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIA HAWTHORN	5 GAL.	LOW
	ROSA 'ICEBERG'	WHITE ICEBERG ROSE	15 GAL.	MEDIUM
	VIBURNUM TINUS 'SPRING BOUQUET'	COMPACT LAURISTINUS	15 GAL.	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AGAPANTHUS AFRICANUS 'BLUE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	AGAPANTHUS AFRICANUS 'WHITE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	ASPARAGUS DENSIFLORUS 'MYERS'	MEYERS ASPARAGUS	5 GAL.	MEDIUM
	BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	24" BOX	MEDIUM
	BAMBUSA OLDHAMII	GIANT TIMBER BAMBOO	24" BOX	MEDIUM
	BUXUS M. JAPONICA 'WINTER GEM'	JAPANESE BOXWOOD	5 GAL.	MEDIUM
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL.	MEDIUM
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	MEDIUM
	DIETES BICOLOR	AFRICAN IRIS	15 GAL.	LOW
	DIETES VEGETA 'VARIEGATA'	VARIEGATED FORTNIGHT LILY	15 GAL.	LOW
	DODONAEA VISCOSA 'SARATOGA'	PURPLE HOPSEED BUSH	15 GAL.	LOW
	ESCALLONIA 'FRADESII'	ESCALLONIA	15 GAL.	MEDIUM
	GREWIA OCCIDENTALIS	GREWIA	15 GAL. COLUMNAR	MEDIUM
	HEMEROCALLIS 'DOUBLE ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
	HEMEROCALLIS 'LEMON YELLOW'	HEMEROCALLIS	5 GAL.	MEDIUM
	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	15 GAL.	MEDIUM
	LIRIOPE 'SUNPROOF'	LIRIOPE 'SUNPROOF'	5 GAL.	MEDIUM

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	EXISTING PLATANUS PROTECT IN PLACE	EXISTING PLATANUS PROTECT IN PLACE	N/A	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX MULTI	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM

CENTRE POINTE - NEIGHBORHOOD C

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan Neighborhood C

Entitlement Set
Sheet no.
C.L-01

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-Layouts-Neighborhoods_BC.dwg
DATE/TIME OF PLOT: 10/1/2015 3:36:08 PM

ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
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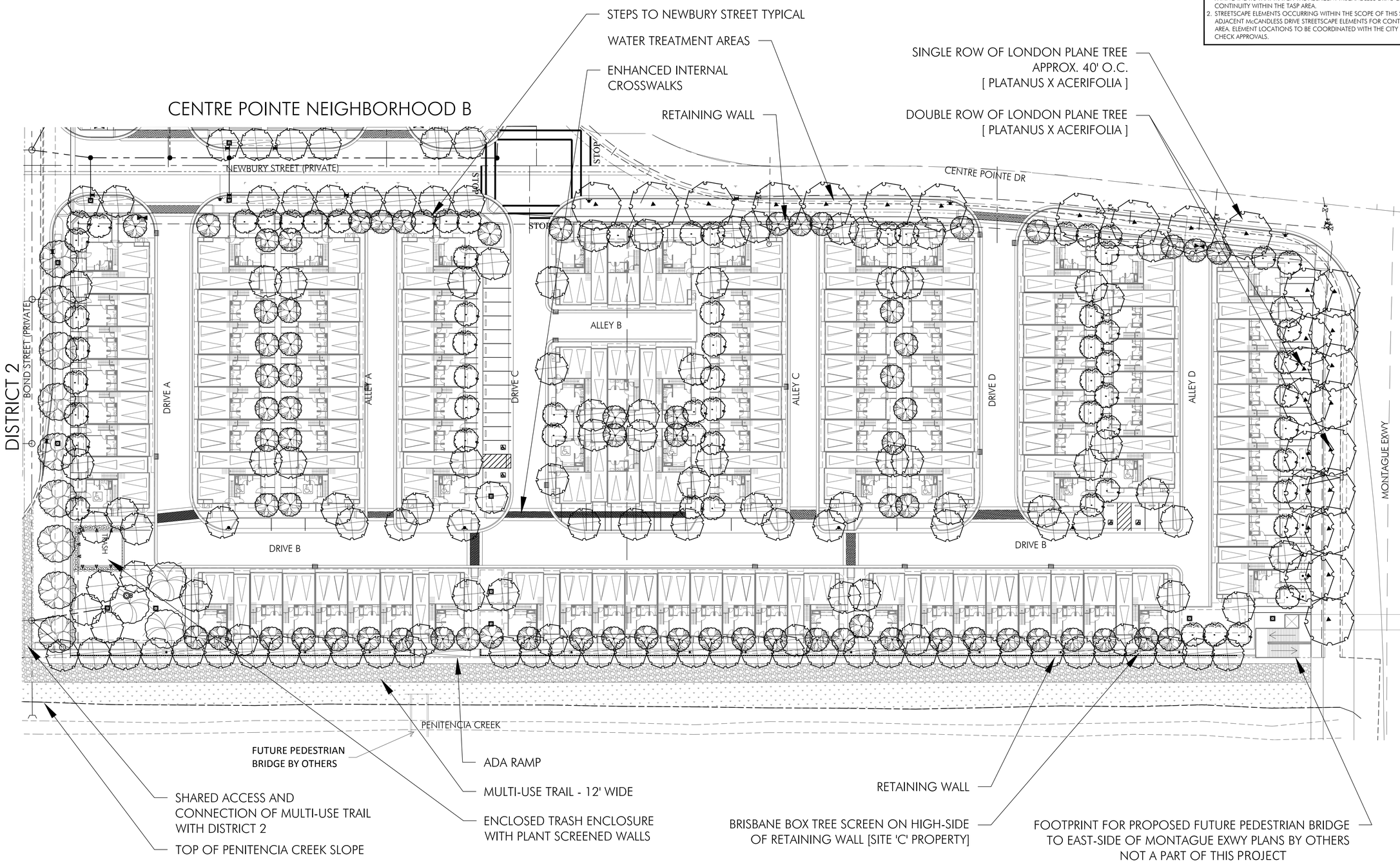

CENTRE POINTE - NEIGHBORHOOD C

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue • Loft F
Costa Mesa, California 92626
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Orange County • San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan
Neighborhood C

Entitlement Set
Sheet no.
C.L-02

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-layouts-Neighborhoods_BC.dwg
DATE/TIME OF PLOT: 10/1/2015 5:42:45 PM

ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
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PUBLIC ART

CENTRE POINTE NEIGHBORHOOD B

NEWBURY STREET (PRIVATE)

STOP

STOP

STOP

CENTRE POINTE DR

DISTRICT 2

BOND STREET (PRIVATE)

DRIVE A

ALLEY A

DRIVE C

ALLEY B

ALLEY C

DRIVE D

ALLEY D

MONTAGUE EXWY

TRASH

DRIVE B

DRIVE B

PENITENCIA CREEK

PUBLIC ART

MURAL WALL TO SATISFY PUBLIC ART

PUBLIC ART

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-layouts-Neighborhoods_BC.dwg

DATE/TIME OF PLOT: 10/8/2015 7:45:57 AM

CENTRE POINTE - NEIGHBORHOOD C

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

POTENTIAL PUBLIC ART LOCATIONS

Entitlement Set
Sheet no.
C.L-03

PLANTING LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX MULTI	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL. - 18" OC	MEDIUM
	MARATHON IiE	TURF	SOD - ROLLS	HIGH
	VINCA MAJOR 'ALBA'	WHITE PERIWINKLE	1 GAL. - 2' OC	MEDIUM
	VINCA MAJOR 'PURPLE'	PURPLE PERIWINKLE	1 GAL. - 2' OC	MEDIUM

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	FICUS PUMILA	CREEPING FIG	1 GAL. - STAKED	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AGAPANTHUS AFRICANUS 'BLUE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	AGAPANTHUS AFRICANUS 'WHITE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	ASPARAGUS DENSIFLORUS 'MYERS'	MEYERS ASPARAGUS	5 GAL.	MEDIUM
	BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	24" BOX	MEDIUM
	BAMBUSA OLDHAMII	GIANT TIMBER BAMBOO	24" BOX	MEDIUM
	BUXUS M. JAPONICA 'WINTER GEM'	JAPANESE BOXWOOD	5 GAL.	MEDIUM
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL.	MEDIUM
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	MEDIUM
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	DODONAEA VISCOSA 'SARATOGA'	PURPLE HOPSEED BUSH	15 GAL.	LOW
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	GREWIA OCCIDENTALIS	GREWIA	15 GAL. COLUMNAR	MEDIUM
	HEMEROCALLIS 'DOUBLE ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
	HEMEROCALLIS 'LEMON YELLOW'	HEMEROCALLIS	5 GAL.	MEDIUM
	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	15 GAL.	MEDIUM
	LIRIOPE 'SUNPROOF'	LIRIOPE 'SUNPROOF'	5 GAL.	MEDIUM
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	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	NANDINA DOMESTICA 'GULF STREAM'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
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	PHORMIUM TENAX 'ATROPUREUM'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'DUET'	NEW ZEALAND FLAX	15 GAL.	LOW
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	ROSA 'ICEBERG'	WHITE ICEBERG ROSE	15 GAL.	MEDIUM
	VIBURNUM TINUS 'SPRING BOUQUET'	COMPACT LAURISTINUS	15 GAL.	MEDIUM

HOURET

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-011

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Illustrative With Plant Palette

Entitlement Set
Sheet no.
H.L-01

FILE NAME: S:\2013 Projects\13-011 Houret Property\LANDSCAPE\Prelim\Pending Submittal\13_011_x-labase.dwg
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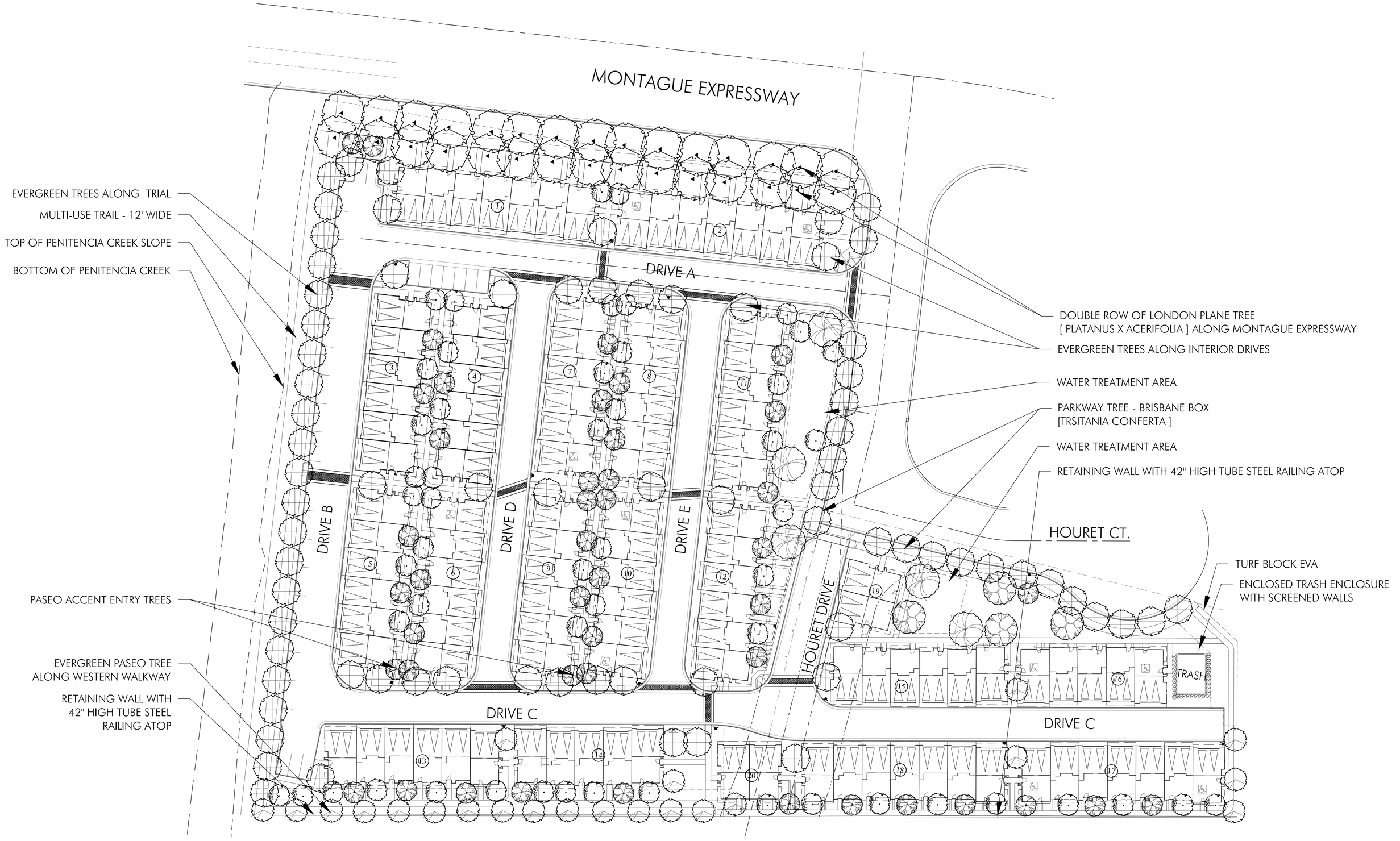

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DATE/TIME OF PLOT: 10/8/2015 10:51:03 AM

HOURET

Milpitas, CA

DATE: 10/08/15
UA JOB # 13-011

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
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Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan

Entitlement Set
Sheet no.
H.L-02

HOURET

Milpitas, CA

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0 15 30 60 90

NORTH

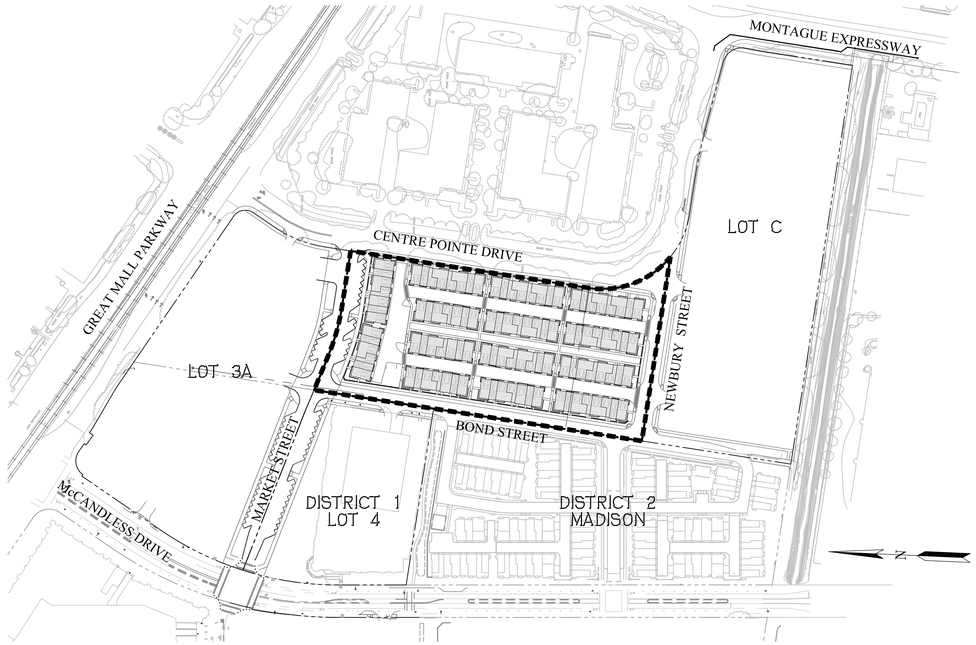
POTENTIAL PUBLIC ART LOCATIONS

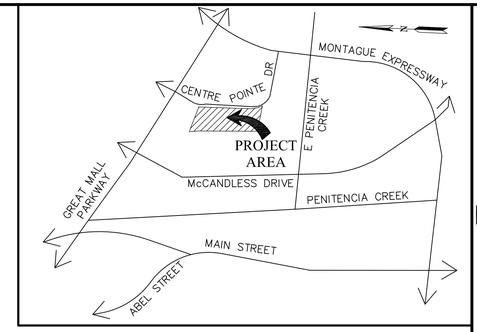
Entitlement Set
Sheet no.

H.L-03

DATE/TIME OF PLOT: 10/8/2015 10:51:11 AM
FILE NAME: S:\2013 Projects\13-011 Houret Property\LA\NDSC_APE\Prelim\Pending Submittal\13_011_a-labase.dwg

VESTING TENTATIVE MAP
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA
P-MT15-0006





VICINITY MAP
NOT TO SCALE

RECORD OWNER:
CP LAND, LLC.

APPLICANT/DEVELOPER:
LYON CAPITAL VENTURES, LLC.
4901 BIRCH STREET
NEWPORT BEACH, CA 92660
CONTACT: PETER ZAK
PETERZAK@LYON1.COM
(949) 633-7383

CIVIL ENGINEER:
RUGGERI-JENSEN-AZAR & ASSOCIATES
8055 CAMINO ARROYO
GILROY, CA 95020
CONTACT: JORGE DURAN, P.E., R.C.E. 59978
JDURAN@RJA-GPS.COM
408-848-0300

SITE DATA

1.	PROPERTY ADDRESS:	1515 CENTRE POINTE DRIVE, MILPITAS, CA 95035
2.	ASSESSOR PARCEL NUMBER:	086-33-087
3.	TOTAL EXISTING PARCEL:	1
4.	EXISTING LAND USE:	COMMERCIAL/OFFICE BUILDING (VACANT)
5.	PROPOSED LAND USE:	MULTI-FAMILY RESIDENTIAL
6.	EXISTING ZONING:	MULTI USE HIGH DENSITY (MXD2) MULTI-FAMILY RESIDENTIAL HIGH DENSITY (R3) TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD)
7.	PROPOSED ZONING:	MULTI-FAMILY RESIDENTIAL HIGH DENSITY TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD)
8.	TOTAL GROSS AREA:	4.72 +/- AC
9.	TOTAL RESIDENTIAL UNITS:	105
10.	GROSS DENSITY:	22.2 UNITS/AC

11. UTILITIES:

WATER
- PUBLIC - CENTRE POINTE DRIVE, MARKET STREET, BOND STREET, AND NEWBURY STREET
- PRIVATE - WITHIN RESIDENTIAL AREAS

RECYCLED WATER
- PUBLIC - CENTRE POINTE DRIVE

SEWER
- PUBLIC - CENTRE POINTE DRIVE
- PRIVATE - MARKET STREET AND WITHIN RESIDENTIAL AREAS

STORM
- PUBLIC - CENTRE POINTE DRIVE, BOND STREET, AND NEWBURY STREET
- PRIVATE - MARKET STREET WITHIN RESIDENTIAL AREAS

GAS & ELECTRIC
- PG&E

TELEPHONE
- AT&T

CABLE TELEVISION
- COMCAST

12. STREETS
- MARKET STREET, BOND STREET, NEWBURY STREET AND ALL INTERNAL DRIVES AND ALLEYS WILL BE PRIVATE. ALL PRIVATE STREETS WILL HAVE PSUE'S (MIN. LONGITUDINAL SLOPE = 0.5%) AND EVAE'S.
- CENTRE POINTE DRIVE (EXISTING PUBLIC STREET).

13. THE PROJECT BENCHMARK IS THE SOUTHERLY DISK IN MONUMENT WELL AT THE INTERSECTION OF ABEL STREET AND CORNING AVENUE,
ELEVATION = 17.124' NGVD29 (19.864' NAVD88)
PROJECT ELEVATIONS ARE BASED ON NGVD29

THE CALCULATED GRID BEARING OF N39°43'13"W OF THE LINE BETWEEN THE FOUND MONUMENT AT THE INTERSECTION OF MONTAGUE EXPRESSWAY WITH CENTRE POINTE DRIVE AND THE FOUND MONUMENT AT THE INTERSECTION OF SOUTH ABEL STREET WITH WEST CURTIS AVENUE WAS USED FOR THE BASIS OF BEARINGS FOR THIS MAP. THESE MONUMENTS ARE SHOWN AS POINT NUMBERS "1008" AND "1011" ON THAT RECORD OF SURVEY FILED JUNE 26, 1996 IN BOOK 678 OF MAPS, AT PAGES 10 THROUGH 13, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA. THE BEARING WAS CALCULATED FROM THE COORDINATE VALUES FROM EPOCH 1986 SHOWN ON SHEET 4 OF 4 OF THAT SURVEY. THE VALUES OF POINTS "1008" AND "1011" ARE AS FOLLOWS:

	NORTHING	EASTING
"1008"	1974285.72	6156434.98
"1011"	1977865.34	6153460.98

14. PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 06085C0067J, DATED FEBRUARY 19, 2014, THE PROJECT SITE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AO. ZONE AO IS DEFINED AS, "FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED."

15. THE EXISTING TOPOGRAPHY IS BASED ON AN AERIAL SURVEY RECEIVED FROM AEROGEODETIC, DATED MAY 15, 2006; THE CONTOURS SHOWN ON THIS PLAN REPRESENT GROUND ELEVATIONS, AS DETERMINED AT THE TIME OF SAID SURVEY. EXISTING SURFACE IMPROVEMENTS DEPICTED ON THE TOPOGRAPHIC MAP MAY DIFFER FROM CURRENT SITE CONDITIONS AS CONSTRUCTION ACTIVITIES ON THE SITE ARE ON-GOING.

LEGEND

PROPOSED	DESCRIPTION	EXISTING
▣	CATCH BASIN	□
	ELECTRIC	
⊶●	ELECTROLIER	⊶○
	CENTERLINE	
	EASEMENT	
	SITE	
	FIRE HYDRANT	
2%	FLOW DIRECTION	
(1)	LOT NUMBER	
	LOT LINE	
●	MANHOLE	○
	PROJECT BOUNDARY	
SS	SANITARY SEWER	
36.6X	SPOT GRADE	36.6
SD	STORM DRAIN	
W	WATER	
	LIMIT OF BUILDING AT GROUND LEVEL	
◎SB	SD BUBBLER	

GENERAL NOTES

1. THERE ARE NO EXISTING KNOWN WELLS ON SITE.
2. STREET LIGHTS ON PUBLIC STREETS WILL BE CONSTRUCTED TO CITY STANDARDS AND DEDICATED TO THE CITY.
3. STREET LIGHTS ON PRIVATE DRIVES WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
4. PROPOSED GRADES, IMPROVEMENTS, AND UTILITIES AS SHOWN ARE CONCEPTUAL. FINISH GRADING, IMPROVEMENTS, AND UTILITIES ARE SUBJECT TO FINAL DESIGN, SUBJECT TO SITE SPECIFIC FLOOD STUDY, AND MAY VARY AT FINAL DESIGN.
5. PROPOSED PIPE SIZES AND LENGTHS TO BE CONFIRMED DURING IMPROVEMENT PLAN PREPARATION.
6. ALL GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS AND CONDITIONS OF THE GEOTECHNICAL ENGINEER AND SUPPLEMENTAL REPORTS REGARDING THIS PROJECT.
7. ALL EROSION CONTROL MEASURES SHALL BE DONE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF MILPITAS.
8. COMMON OPEN SPACE PARCELS AND PRIVATE DRIVE PARCELS MAY BE SPLIT INTO ADDITIONAL PARCELS AS PART OF FINAL MAP AND BASED ON FINAL CONSTRUCTION PHASING.
9. RETAINING WALLS: ALL WALLS WILL BE PRIVATE FACILITIES & MAINTAINED BY HOMEOWNERS' ASSOCIATION. ALL WALL HEIGHTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE AT FINAL DESIGN.
10. ALL LANDSCAPING & COMMON AREAS WITHIN PRIVATE DEVELOPMENT ARE PRIVATELY OWNED & MAINTAINED BY HOMEOWNERS' ASSOCIATION.
11. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS VESTING TENTATIVE MAP.
12. A CONDO MAP(S) MAY BE FILED ON LOTS 1 - 14.
13. LOT NUMBERS SHOWN ARE FOR IDENTIFICATION PURPOSES ONLY AND ARE NOT INTENDED TO BE FINAL.

ABBREVIATIONS

AC	ACRES
APN	ASSESSOR'S PARCEL NUMBER
BC	BACK OF CURB
BFE	BASE FLOOD ELEVATION
BNDY	BOUNDARY
CB	STORM DRAIN CATCH BASIN
CL or C	CENTERLINE
DWY	DRIVEWAY
ELECT	ELECTROLIER
ESMT	EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FDC	FIRE DEPARTMENT CONNECTION
FOC	FACE OF CURB
FFU	FINISHED FLOOR GROUND LEVEL
FG	FINISHED GRADE
FH	FIRE HYDRANT
GB	GRADE BREAK
HP	HIGH POINT
LA	LANDSCAPE PLANS
LP	LOW POINT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
PD	PROJECT DRIVEWAY
PIV	POST INDICATOR VALVE
PIWE	PRIVATE IRRIGATION WATERLINE EASEMENT
PL	PROPERTY LINE
PP	POWER POLE
PRUE	PRIVATE UTILITY EASEMENT
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R/W	RIGHT OF WAY
RW	RECYCLED WATER
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SLD	SEE LANDSCAPE DRAWINGS
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SWK	SIDEWALK
LS	LANDSCAPE
C&G	CURB & GUTTER

TABLE OF CONTENTS

SHEET NUMBER	SHEET TITLE
VTM-1	TITLE SHEET
VTM-2	EXISTING SITE PLAN
VTM-3	OFFSITE RESPONSIBILITIES
VTM-4	SITE PLAN
VTM-5	STREET SECTIONS
VTM-6	STREET SECTIONS
VTM-7	CONCEPTUAL LOTTING PLAN
VTM-8	CONCEPTUAL GRADING PLAN
VTM-9	CONCEPTUAL UTILITY PLAN
VTM-10	CONCEPTUAL STORMWATER CONTROL PLAN
VTM-11	CONCEPTUAL TREATMENT AREA BLOWUPS
VTM-12	CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
VTM-13	CONCEPTUAL EMERGENCY VEHICLE PLAN
VTM-14	CONCEPTUAL SOLID WASTE VEHICLE PLAN
B.L-01	CONCEPTUAL LANDSCAPE ILLUSTRATIVE WITH COLOR PALETTE
B.L-02	CONCEPTUAL LANDSCAPE PLAN
B.L-03	POTENTIAL PUBLIC ART LOCATIONS

SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

City Engineer Date

Recommended for Approval by the Milpitas Planning Commission, this _____ day of _____ 20____ , and Approved by the Milpitas City Council this _____ day of _____ 20 _____.

Planning & Neighborhood Services Director Date

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
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PHONE: (408) 848-0300 FAX: (408) 848-0302

VESTING TENTATIVE MAP
TITLE SHEET
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

COR: LYON CAPITAL VENTURES, LLC.

SCALE NONE
DATE OCTOBER 5, 2015

DATE	BY	CK	SHEET REVISIONS
MK			

SHEET
VTM-1
OF 17 SHEETS

JOB NO.
122015

W: \JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-1 TITLE SHEET.DWG

MONTAGUE EXPRESSWAY

ABUTTER'S RIGHTS OF ACCESS RELINQUISHED (11858-OR-84){EX-10}

PARKING LOT

PARCEL 1
517-M-42
APN: 086-33-089

EX BUILDING
42,690± SF
TO BE REMOVED

EXISTING COMMERCIAL DEVELOPMENT

30' PG&E EASEMENT (STRIP 6, K146-OR-454){EX-12}
30' PACIFIC BELL EASEMENT (STRIP 3, K369-OR-1974){EX-13}
TO BE REMOVED

VTA LIGHT RAIL

20' PG&E EASEMENT (STRIP 6, K146-OR-454){EX-12}
20' PACIFIC BELL EASEMENT (STRIP 3, K369-OR-1974){EX-13} TO BE REMOVED

10' PG&E EASEMENT (STRIP 7, K146-OR-454){EX-12} TO BE REMOVED

SCVWD EAST PENITENCIA CREEK

HOURET

EX LOT LINE (TYP) TO BE REMOVED

EX CONCRETE CURB (TYP)

CENTRE POINTE DRIVE (PUBLIC)

30'

30'

EX BUILDING
70,057± SF
TO BE REMOVED

20' PG & E EASEMENT (STRIP 5, K146-OR-454) TO BE REMOVED

EX TREES TO BE REMOVED (TYP)

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PSUE TO BE ADJUSTED TO 8'

EX TREES TO BE REMOVED (TYP)

PARCEL 2
517-M-42
086-33-088

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

PARCEL 3
517-M-42
086-33-087

EX BUILDING
46,087± SF
TO BE REMOVED

APN:086-33-087

FORMER LOT LINE

EX OFFICE BUILDING

10' PSUE(517-M-42){EX-11}

ADJUSTED LOT LINE

APN:086-33-088

EX OFFICE BUILDING

EX BUILDING
47,930± SF
TO BE REMOVED

PARCEL 4
517-M-42
086-33-086

APN:086-33-086

EX OFFICE BUILDING

ADJUSTED LOT LINE

10' PG&E EASEMENT (STRIP 2, K146-OR-454) {EX-12} TO BE REMOVED

20' PG&E EASEMENT (STRIP 1, K146-OR-454){EX-12}
20' PACIFIC BELL EASEMENT (STRIP 1, K369-OR-1974){EX-13}
TO BE ABANDONED

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PG&E EASEMENT (STRIP 3, K146-OR-454){EX-12} TO BE REMOVED

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PG&E EASEMENT (STRIP 4, K146-OR-454) {EX-12} TO BE REMOVED

EX TREES TO BE REMOVED (TYP)

PARKING LOT

BOND STREET (PRIVATE)

EX OUTFALL TO REMAIN

GREAT MALL PARKWAY

VTA LIGHT RAIL

PORTION OF PROPERTY LINE TO BE REMOVED
PORTION OF 25' EASEMENT FOR BOND STREET PURPOSES (PRIVATE ROAD PURPOSES) TO BE VACATED IN FAVOR OF LOT 3A PROJECT

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

END OF EX BOND STREET

25' EASEMENT FOR BOND STREET PURPOSES (PRIVATE ROAD PURPOSES)

PROPERTY LINE

BLEEKER ST

BLEEKER ST

EX LOT LINE (TYP)

EX BUILDING
48,904± SF
TO BE REMOVED

APN:086-33-101

EX BUILDING
46,822± SF
TO BE REMOVED

PARCEL 6
536-M-41
086-33-0101
5.791 AC±

DISTRICT 2 TAYLOR MORRISON
(EXISTING)

NEWBURY STREET (PUBLIC)

APN:086-33-097

EX TREES TO BE REMOVED (TYP)

PARKING LOT

PROPERTY LINE

10' PSUE

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

McCANDLESS DRIVE (PUBLIC)

0 60 120 180

SCALE IN FEET: 1"= 60'

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-2 EXISTING SITE PLAN.DWG

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
EXISTING SITE PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=60'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-2
OF 17 SHEETS

JOB NO.
122015

OFFSITE RESPONSIBILITY FOR LOT B

(A) CENTRE POINTE DRIVE

1. AC SLURRY HALF OF STREET
2. REMOVE & REPLACE CURB & GUTTER
3. REMOVE & REPLACE SIDEWALK
4. ADJUST / RELOCATE MISC. UTILITIES
5. NEW PLANTER AREA AND BMP AREAS
6. NEW STREET LANDSCAPE
7. NEW INTERSECTION CONFORMS (PAINT ONLY)

(B) NEWBURY STREET

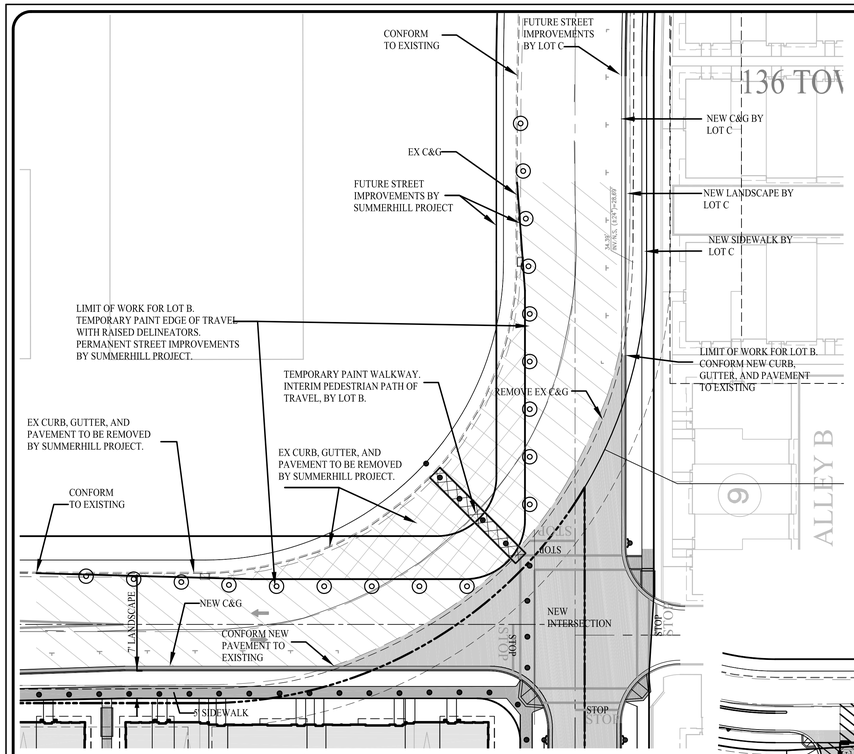
1. SOUTH HALF OF STREET
2. NEW CURB & GUTTER
3. NEW SD CATCHBASINS
4. NEW 39" STORM DRAIN LINE & LATERALS
5. NEW 12" WATER LINE
6. NEW FIRE HYDRANTS
7. NEW BMP AREAS

(C) BOND STREET

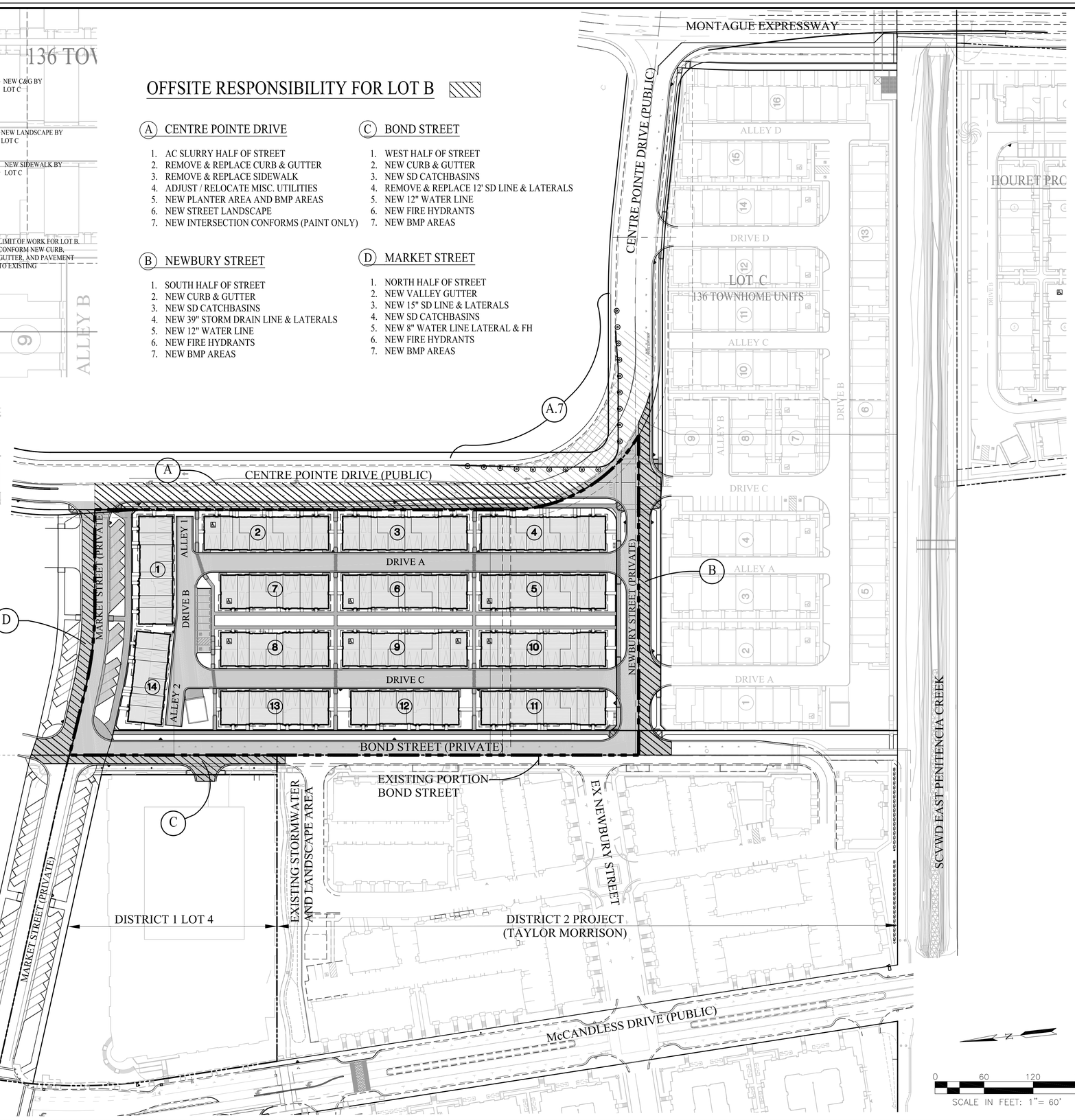
1. WEST HALF OF STREET
2. NEW CURB & GUTTER
3. NEW SD CATCHBASINS
4. REMOVE & REPLACE 12' SD LINE & LATERALS
5. NEW 12" WATER LINE
6. NEW FIRE HYDRANTS
7. NEW BMP AREAS

(D) MARKET STREET

1. NORTH HALF OF STREET
2. NEW VALLEY GUTTER
3. NEW 15" SD LINE & LATERALS
4. NEW SD CATCHBASINS
5. NEW 8" WATER LINE LATERAL & FH
6. NEW FIRE HYDRANTS
7. NEW BMP AREAS



CENTRE POINTE DRIVE/NEWBURY STREET INTERSECTION
SCALE 1"=30'



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VESTING TENTATIVE MAP
OFFSITE RESPONSIBILITIES
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

DATE	BY	SHEET REVISIONS	BY	CK

SCALE 1"=60'
DATE OCTOBER 5, 2015

SHEET
VTM-3
OF 17 SHEETS
JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-3 OVERALL SITE PLAN.DWG

0 30 60 90

SCALE IN FEET: 1"= 30'

CENTRE POINTE DRIVE

ON-STREET PARKING
CURB & GUTTER
LANDSCAPE STRIP
EXIST. R/W
NEW R/W (1' DEDICATION)
SIDEWALK

CENTRE POINTE DETAIL
1"=10'

1. SEE SHEET VTM-3 FOR OFFSITE RESPONSIBILITIES FOR THIS PROJECT.
2. 26' MIN REQUIRED BETWEEN THE MOST REMOTE BUILDING PROJECTION (FACE OF RAIN WATER GUTTER TO GUTTER)
3. ALL CROSSWALKS ARE DECORATIVE.

• • • • • ACCESSIBLE PATH OF TRAVEL

CENTRE POINTE LOT A
MARKET STREET (PRIVATE)
ALLEY 1
DRIVE B
ALLEY 2
DRIVE A
DRIVE C
CENTRE POINTE DRIVE
NEWBURY STREET (PRIVATE)
CENTRE POINTE LOT B
CENTRE POINTE LOT C
BOND STREET (PRIVATE)
EXISTING BOND STREET (PRIVATE)
EX BLEECKER STREET
EX NEWBURY STREET
DISTRICT ONE-LOT 4
DISTRICT TWO-TAYLOR MORRISON
EXISTING CENTRE POINTE DRIVE
SEE DETAIL ABOVE
1/2 STREET IMPROVEMENTS BY THE SUMMERHILL PROJECT
1/2 STREET AC OVERLAY
1'± R/W DEDICATION TO CITY OF MILPITAS
TAPER CONFORM TO EX C&G
PORTION OF EX CENTRE POINT DRIVE TO BE REMOVED AND REPLACE WITH LANDSCAPE AREA
LIMIT OF WORK FOR LOT B TAPER CONFORM TO EX CUBR & GUTTER
PAVEMENT STRIPE TAPER
SEE VTM-3 FOR TEMPORARY RAMP DETAILS
DECORATIVE CROSSWALK
PARKING (20)
7' LANDSCAPE
5' SIDEWALK (TYP)
EX CURB
NEW CURB
EX R/W
NEW R/W
6' (TYP)
STOP
7' SETBACK MIN. (BUILDING)
MIN. 5' SETBACK (OVERHANG)
LANDSCAPE AREA (TYP, SEE LA PLANS)
PASEO (TYP), 14' MIN
CROSSWALK (TYP)
RAMP (TYP)
CATCH BASIN (TYP)
SECOND FLOOR OVERHANG (TYP)
PASEO (TYP) 4' MIN
PASEO (TYP) 21' MIN
BIOSWALES IN LANDSCAPE AREAS (TYP)
4' SIDEWALK (TYP)
5' SIDEWALK (TYP)
7' LANDSCAPE
8' PARKING
BIOSWALE (TYP)
R/W
PASEO (TYP) 14' MIN
RETAINING WALL
SOLID WASTE ENCLOSURE SEE TM-28
BIOSWALES IN LANDSCAPE AREAS (TYP)
5' MIN. SETBACK (OVERHANG)
NEW CURB
EX C&G TO BE REMOVED
PORTION OF EX BOND STREET TO BE REMOVED AND REPLACED
30' R/W DEDICATION TO CITY OF MILPITAS
END OF EXISTING BOND STREET
EXISTING SIDEWALK (TYP)
EX LANDSCAPE
EX SIDEWALK
PARKING (25)
DIAGONAL PARKING (TYP)
PARALLEL PARKING (5, TYP)
60' SIDEWALK
17'
20' (TYP)
24' (TYP)
18'
R=20'
R=25'
R=30'
R=35'
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R=450'
R=455'
R=460'
R=465'
R=470'
R=475'
R=480'
R=485'
R=490'
R=495'
R=500'

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VESTING TENTATIVE MAP
SITE PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

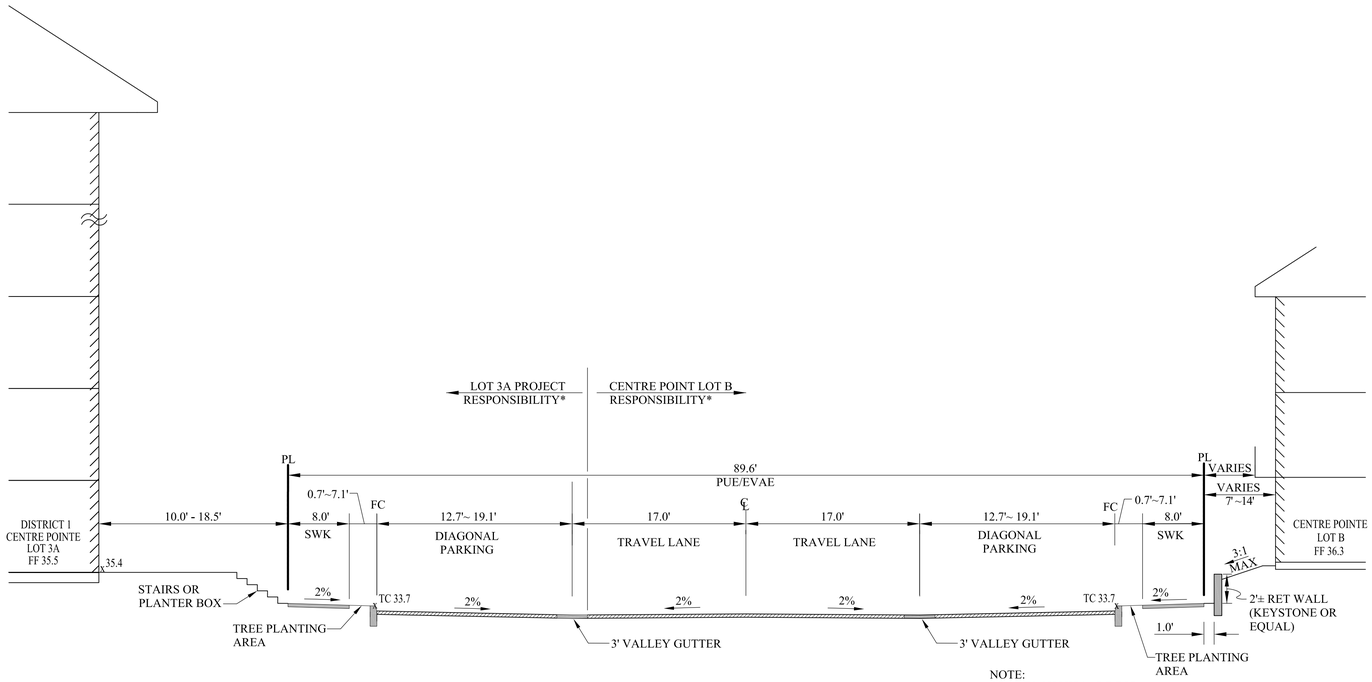
FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	SHEET REVISIONS	BY	CK

SCALE 1"=30'
DATE OCTOBER 5, 2015

SHEET
VTM-4
OF 17 SHEETS
JOB NO. 122015

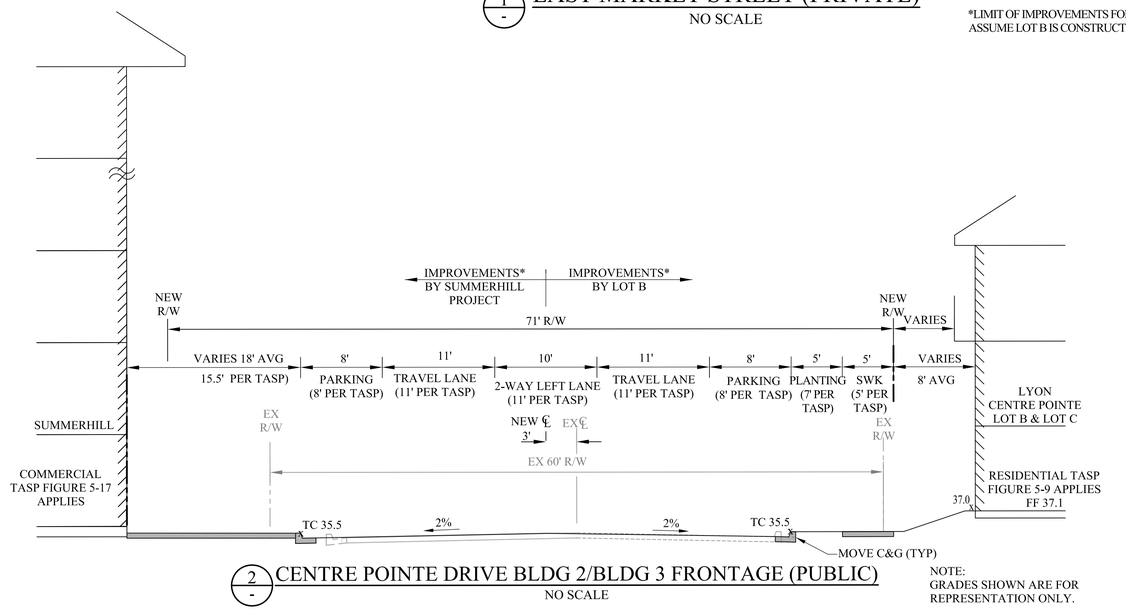
W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-4 SITE PLAN.DWG



1 - EAST MARKET STREET (PRIVATE)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

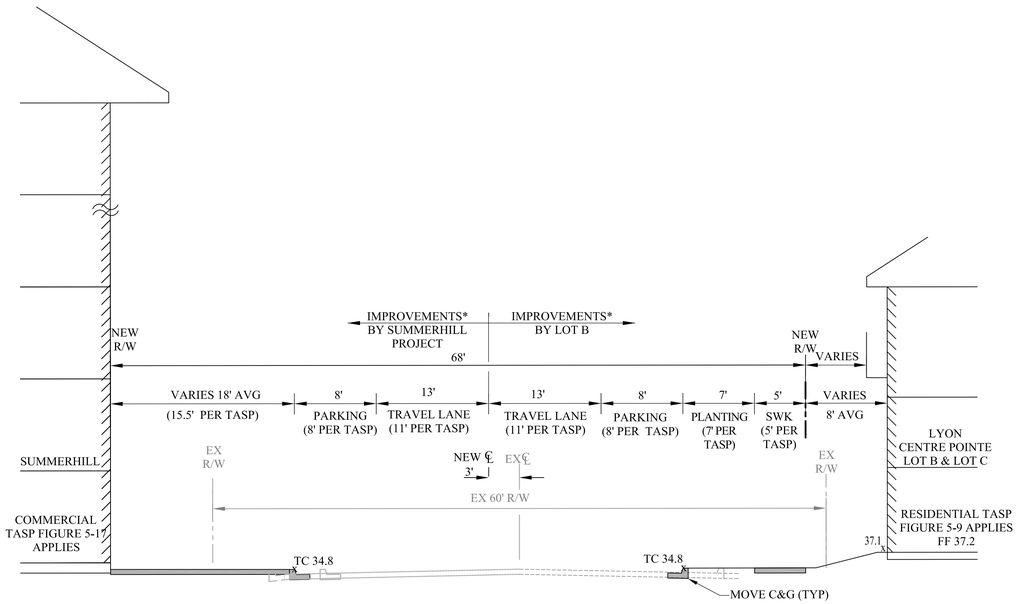
*LIMIT OF IMPROVEMENTS FOR LOT B ASSUME LOT B IS CONSTRUCTED FIRST.



2 - CENTRE POINTE DRIVE BLDG 2/BLDG 3 FRONTAGE (PUBLIC)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

*LIMIT OF IMPROVEMENTS FOR LOT B ASSUME LOT B IS CONSTRUCTED FIRST.



3 - CENTRE POINTE DRIVE BLDG 4 FRONTAGE (PUBLIC)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

*LIMIT OF IMPROVEMENTS FOR LOT B ASSUME LOT B IS CONSTRUCTED FIRST.

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
STREET SECTIONS
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

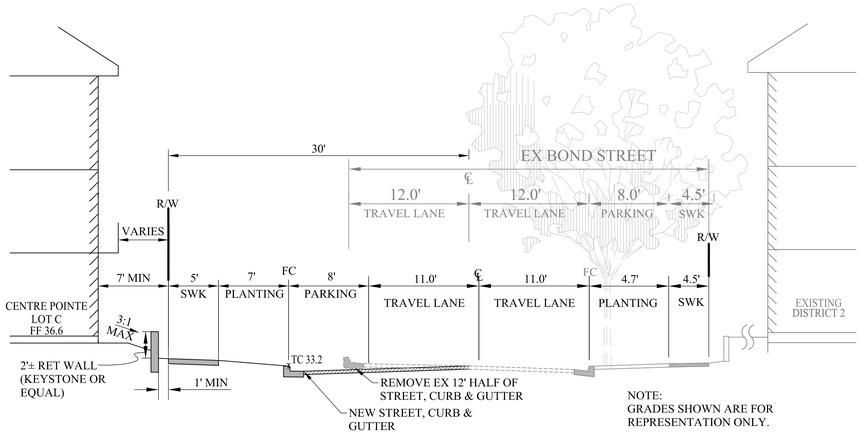
SCALE	DATE
N.T.S.	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

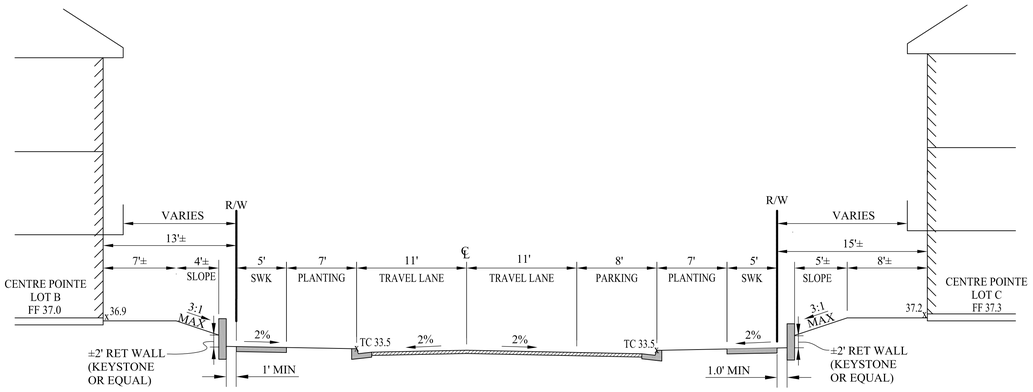
SHEET
VTM-5
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-5 STREET SECTIONS.DWG

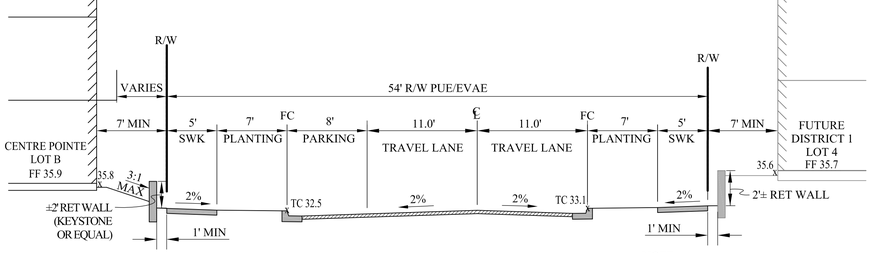


4 - BOND STREET (PRIVATE)
NO SCALE



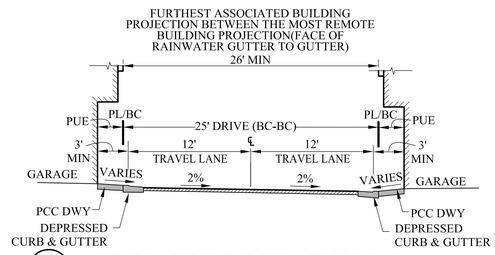
6 - NEWBURY STREET (PRIVATE)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.

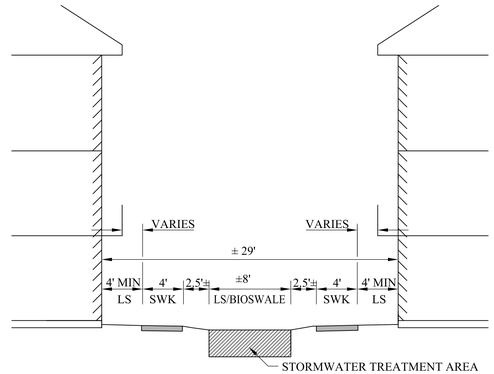


5 - BOND STREET (PRIVATE)
NO SCALE

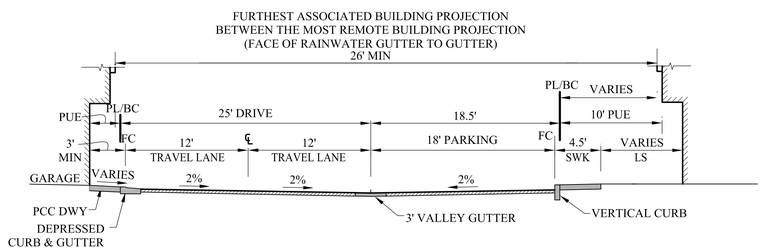
NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.



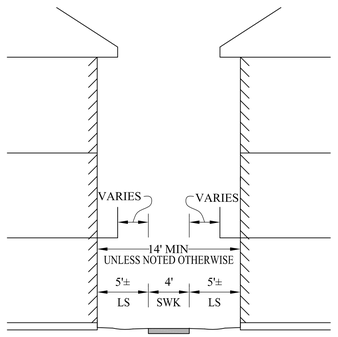
7 - PRIVATE DRIVES (TYPICAL)
NO SCALE



8 - PASEO (TYPICAL)
NO SCALE



9 - DRIVE WITH PERPENDICULAR PARKING (PRIVATE)
NO SCALE



10 - PASEO (TYPICAL)
NO SCALE

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VESTING TENTATIVE MAP
STREET SECTIONS
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

SCALE	DATE
N.T.S.	OCTOBER 5, 2015

BY	CK	SHEET REVISIONS	MK	DATE

SHEET
VTM-6
OF 17 SHEETS

JOB NO.
122015

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LOT #	# OF UNITS	NOTES
1	7	CONDO UNITS
2	8	CONDO UNITS
3	8	CONDO UNITS
4	8	CONDO UNITS
5	8	CONDO UNITS
6	8	CONDO UNITS
7	7	CONDO UNITS
8	7	CONDO UNITS
9	8	CONDO UNITS
10	8	CONDO UNITS
11	8	CONDO UNITS
12	7	CONDO UNITS
13	7	CONDO UNITS
14	6	CONDO UNITS
TOTAL	105	

NOTES

1. LOT 1 ~ 14 FOR CONDOMINIUM PURPOSES.
2. ALL LOTS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGES AT FUTURE DESIGN.
3. SEE VTM-3 FOR OFFSITE IMPROVEMENT RESPONSIBILITIES.

0 30 60 90

SCALE IN FEET: 1"= 30'

CENTRE POINTE DRIVE (PUBLIC)

CENTRE POINTE DRIVE (PUBLIC)

PUBLIC ROW DEDICATION

PUBLIC ROW DEDICATION BY SEPARATE INSTRUMENT

PUBLIC ROW DEDICATION

SEE OFFSITE RESPONSIBILITY TABLE ON SHEET VTM-3

SEE OFFSITE RESPONSIBILITY TABLE ON SHEET VTM-3

CENTRE POINTE LOT A

MARKET STREET (PRIVATE)

NEWBURY STREET (PRIVATE)

CENTRE POINTE LOT C

PRIVATE STREET EASEMENT DEDICATION BY SEPARATE INSTRUMENT

PRIVATE STREET EASEMENT DEDICATION BY SEPARATE INSTRUMENT

PRIVATE STREET EASEMENT DEDICATION BY SEPARATE INSTRUMENT

PRIVATE STREET EASEMENT DEDICATION BY SEPARATE INSTRUMENT

PRIVATE STREET EASEMENT DEDICATION BY SEPARATE INSTRUMENT

DRIVE A

DRIVE B

DRIVE C

ALLEY 1

ALLEY 2

1 7,860 S.F.

2 9,000 S.F.

3 8,600 S.F.

4 8,800 S.F.

5 10,100 S.F.

6 9,900 S.F.

7 9,200 S.F.

8 9,200 S.F.

9 9,900 S.F.

10 10,100 S.F.

11 9,100 S.F.

12 8,100 S.F.

13 7,600 S.F.

14 7,100 S.F.

A1 800 S.F.

A2 900 S.F.

LOT A 2,200 S.F.

S1 12,400 S.F.

S2 12,400 S.F.

S3 7,300 S.F.

S4 13,600 S.F.

S5 19,300 S.F.

S6 6,940 S.F.

EXISTING BOND STREET (PRIVATE)

DISTRICT ONE-LOT 4

DISTRICT TWO-TAYLOR MORRISON

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VESTING TENTATIVE MAP
CONCEPTUAL LOTTING PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

SCALE	DATE
AS SHOWN	OCTOBER 5, 2015

DATE	BY	CK
MK		

SHEET REVISIONS

SHEET
VTM-7
OF 17 SHEETS

JOB NO.
122015

W: \JOBS 12\12015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-7 CONCEPTUAL LOTTING PLAN.DWG

CENTRE POINTE DRIVE (PUBLIC)

MARKET STREET (PRIVATE)

NEWBURY STREET (PRIVATE)

DRIVE A

DRIVE B

DRIVE C

ALLEY A

ALLEY B

EXISTING BOND STREET (PRIVATE)

EXISTING BLEECKER ST

EXISTING NEWBURY ST

FF=36.4 (1)

FF=37.0 (2)

FF=37.2 (3)

FF=37.3 (4)

FF=37.2 (5)

FF=37.2 (6)

FF=36.4 (7)

FF=36.4 (8)

FF=36.5 (9)

FF=37.2 (10)

FF=36.4 (11)

FF=36.1 (12)

FF=36.1 (13)

FF=36.2 (14)

SEE OFFSITE RESPONSIBILITY TABLE SHEET VTM-3

NOTES:

1. GRADING, SURFACE IMPROVEMENTS, AND UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. ALL GRADES ARE BASED ON FINAL FLOOD STUDY BY SCHAAF AND WHEELER, DATED OCTOBER 05, 2015.

0 30 60 90

SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
CONCEPTUAL GRADING PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

SCALE 1"=30'
DATE OCTOBER 5, 2015

DATE	BY	CK	SHEET REVISIONS
	MK		

SHEET
VTM-8
OF 17 SHEETS

JOB NO.
122015

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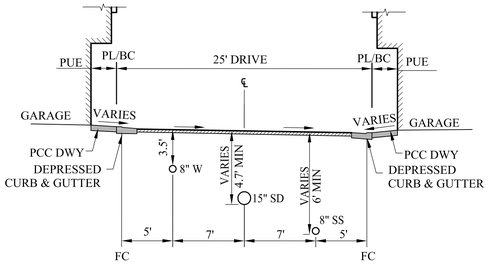
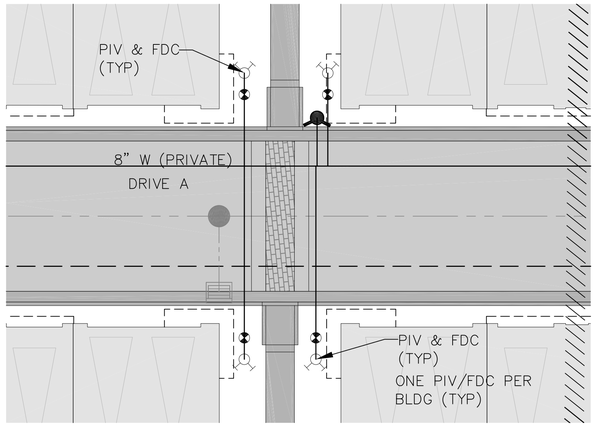


A/- UTILITIES IN PRIVATE DRIVE (TYPICAL)

NO SCALE



PIV & FDC TYPICAL DETAIL

1"=10'

1 NEW UTILITY CONNECTION

2 PUBLIC FIRE HYDRANT (ALL OTHERS ARE PRIVATE)

NOTES:

1. UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. FINAL PIPE SIZES, ELEVATIONS AND LENGTHS ARE SUBJECT TO CHANGE; TO BE CONFIRMED DURING FINAL DESIGN.

SDMH#5 DETAIL

NO SCALE

0 30 60 90

SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
CONCEPTUAL UTILITY PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-9
OF 17 SHEETS

JOB NO.
122015

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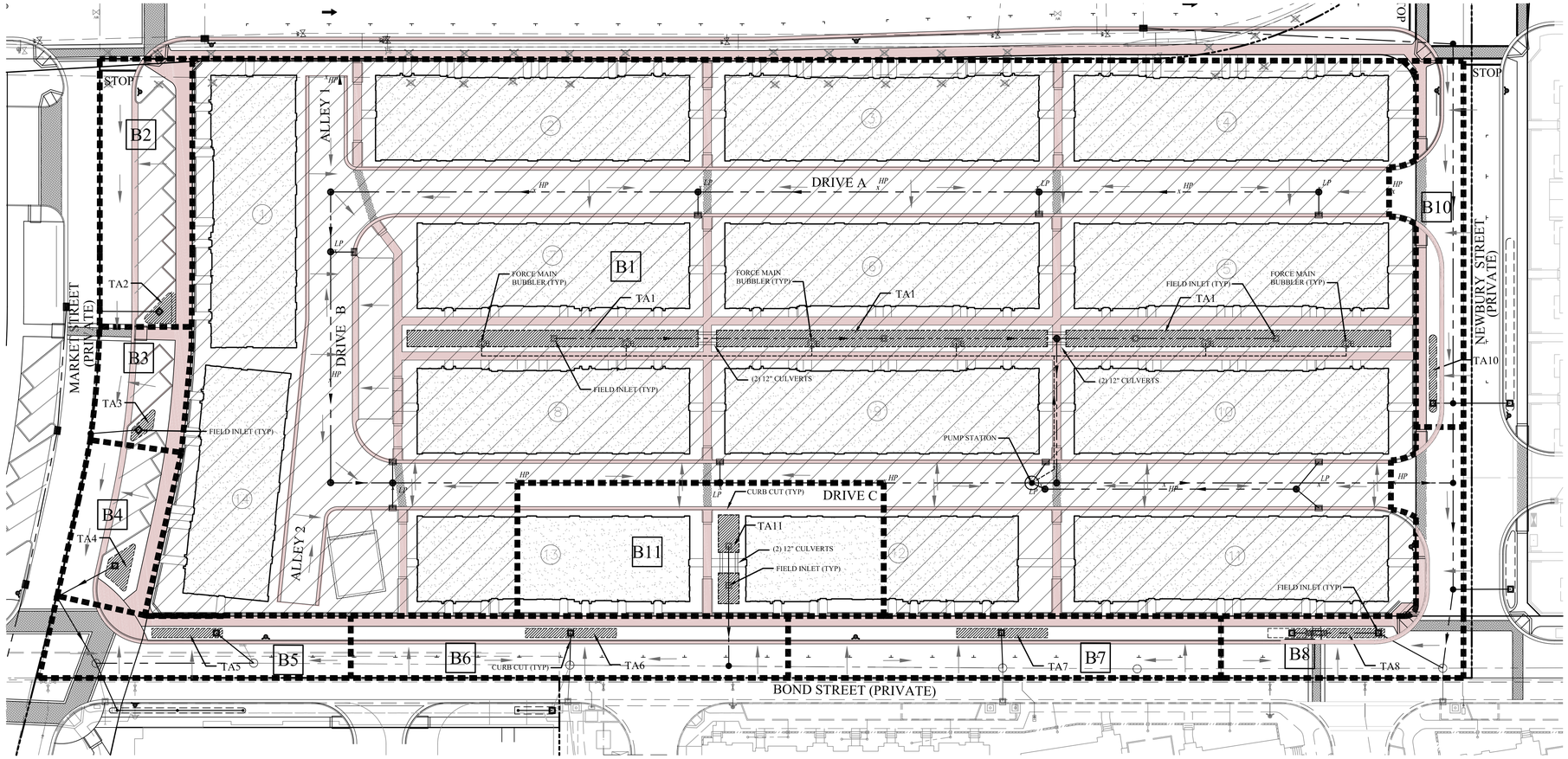
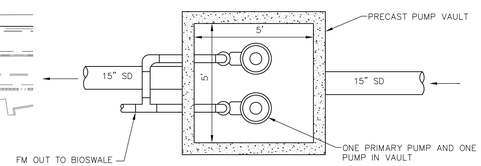


STORMWATER RUNOFF MANAGEMENT BMP CALCULATIONS (UPDATE)					
TRIBUTARY AREA ID	AREA (SF)	80% CAPTURE VOLUME (CF)	TREATMENT AREA NEEDED (SF)	TREATMENT AREA AVAILABLE (SF)	TREATMENT AREA ID
B1	148800	6,597	3,417	3,640	TA1
B2	5800	257	136	150	TA2
B3	2600	115	42	85	TA3
B4	5000	222	44	180	TA4
B5	4700	208	84	150	TA5
B6	6400	284	135	195	TA6
B7	6300	279	126	195	TA7
B8	6000	266	89	200	TA8
B9	B9 DOES NOT EXIST. INTENTIONALLY LEFT BLANK.				
B10	4450	197	117	125	TA10
B11	11500	510	299	325	TA11

0 30 60 90

SCALE IN FEET: 1"= 30'



PUMP STATION PLAN VIEW

LEGEND

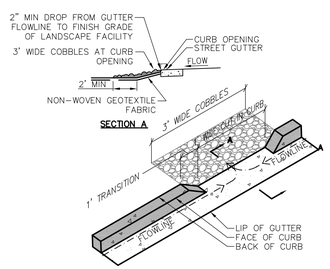
- BUILDING NUMBER
- XX — DRAINAGE AREA NUMBER
- TA(X) — TREATMENT AREA NUMBER
- DRAINAGE AREA BOUNDARY
- BIOTREATMENT AREA
- CONCRETE/HARDSCAPE
- BUILDING ROOF AREA
- FM — STORM WATER FORCE MAIN
- D — STORM DRAIN SYSTEM
- HP — HIGH POINT
- LP — LOW POINT
- CP — CATCH POINT
- DIRECTION OF FLOWS
- STORM DRAIN MANHOLE
- D OR — STORM DRAIN INLET
- PUMP STATION
- B — BUBBLER
- AREA TRIBUTARY TO PUMP STATION
- CURB CUT

STORM WATER MANAGEMENT NOTES:

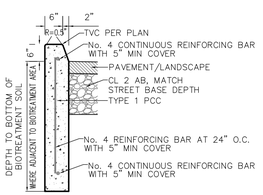
1. THIS PROJECT IS LOCATED IN THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION. STORMWATER RUNOFF MANAGEMENT SHALL ADHERE TO PROVISION C.3 OF THE MUNICIPAL REGIONAL PERMIT ORDER RB2-2009-0074 ADOPTED OCTOBER 2009.
2. THIS STORM WATER RUNOFF MANAGEMENT PLAN IS CONCEPTUAL AND SUBJECT TO REVISION DURING FINAL DESIGN.
3. STORM WATER VOLUMETRIC BMP SIZING IS BASED ON THE 80% CAPTURE CURVE METHOD SET FORTH IN APPENDIX D OF THE CALIFORNIA STORM WATER BEST MANAGEMENT PRACTICES HANDBOOK FOR NEW DEVELOPMENT (2003), ADJUSTED FOR A LOCAL MEAN ANNUAL PRECIPITATION OF 15". A UNIT BASIN STORAGE FACTOR OF 0.56 IN WAS USED BASED ON AN 80% IMPERVIOUS COVERAGE.
4. AVAILABLE NRCS SOIL MAPS IDENTIFY SOILS IN THE PROJECT AREA AS TYPE 'D' SOILS WITH AN ESTIMATED SATURATED HYDRAULIC CONDUCTIVITY OF .06 IN/HR. DUE TO THE LOW INFILTRATION RATE OF THE SOILS, BIOTREATMENT AREAS WILL INCORPORATE THE USE OF A PERFORATED SUBDRAIN SYSTEM.
5. BMP AREA SIZING IS BASED ON THE COMBINATION FLOW/VOLUME SIZING CRITERIA DESCRIBED IN APPENDIX B OF THE SCVURPPP C.3 STORMWATER HANDBOOK, DATED APRIL 2013. SINCE THE BIOTREATMENT AREAS WILL BE DESIGNED WITH A SUBDRAIN, A DESIGN INFILTRATION RATE OF 5.0 IN/HR WAS USED BASED ON THE INFILTRATION RATE OF THE BIOTREATMENT SOIL MIX LAYER.
6. BASED ON FIG. 8-1 OF THE CITY OF MILPITAS STORM WATER C.3 GUIDEBOOK, THIS PROJECT IS NOT REQUIRED TO CREATE A HYDROGRAPH MODIFICATION MANAGEMENT PLAN BECAUSE THE PROJECT DOES NOT CREATE AN INCREASE IN IMPERVIOUS SURFACE OVER PRE-PROJECT CONDITIONS IN AN AREA THAT IS OVER 90% BUILT-OUT WITH GREATER THAN 65% IMPERVIOUS AREA. FLOOD CONTROL IS ALSO NOT REQUIRED, SINCE THE PROJECT REDUCES THE IMPERVIOUS COVERAGE FROM THE EXISTING CONDITION.

SEE SHEET VTM-11 FOR ENLARGED DETAILED VIEWS OF TREATMENT AREAS.

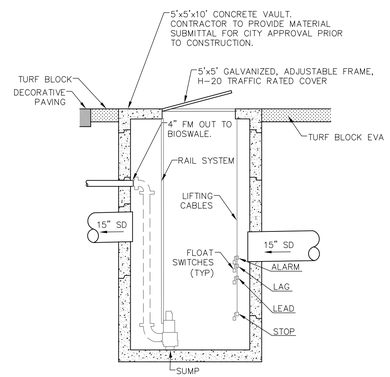
ALL PUMPS TO BE SIZED PER THEIR TREATMENT AREA AT FINAL DESIGN.



1 CURB CUT DETAIL
NO SCALE



2 DEEPENED VERTICAL CURB DETAIL
NO SCALE



3 PUMP STATION DETAIL
NO SCALE

NOTES:
1. (2) MYERS MODEL 3V10M4-21 SUBMERSIBLE PUMP 1 HP, 230 V, 1 PH WITH 35' POWER AND SENSOR CABLES, 5" DIAMETER IMPELLER.
2. PUMP WILL BE SIZED FOR STORMWATER QUALITY LOW FLOW REQUIRED VOLUME.

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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE 1"=30'
DATE OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-10
OF 17 SHEETS
JOB NO. 122015

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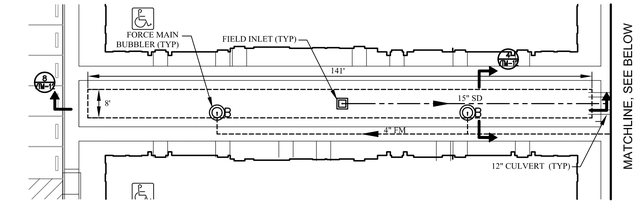
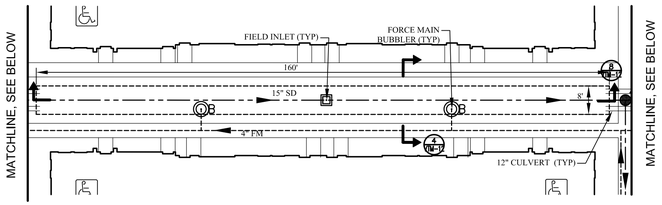
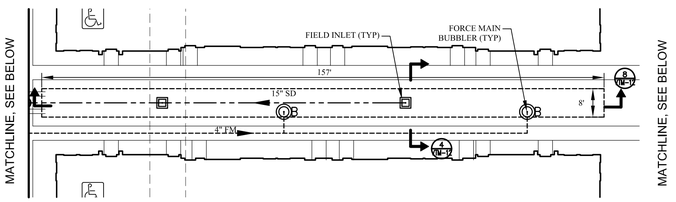
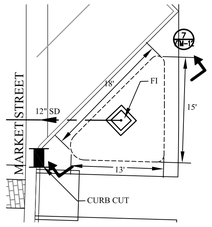


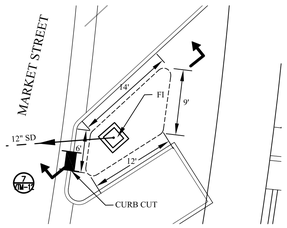




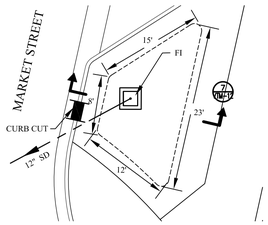
TREATMENT AREA 1
TREATMENT AREA PROVIDED = 3,640 SF
SCALE: 1"=20'



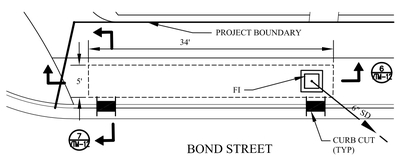
TREATMENT AREA 2
TREATMENT AREA PROVIDED = 150 SF
SCALE: 1"=10'



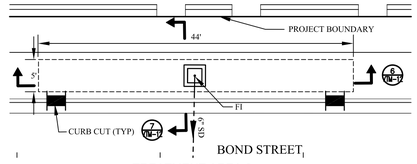
TREATMENT AREA 3
TREATMENT AREA PROVIDED = 85 SF
SCALE: 1"=10'



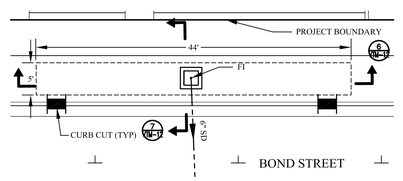
TREATMENT AREA 4
TREATMENT AREA PROVIDED = 180 SF
SCALE: 1"=10'



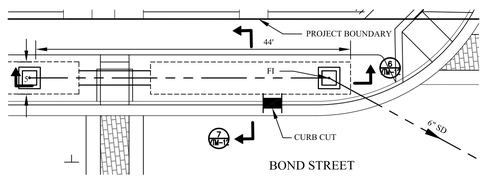
TREATMENT AREA 5
TREATMENT AREA PROVIDED = 150 SF
SCALE: 1"=10'



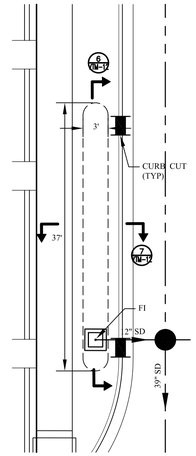
TREATMENT AREA 6
TREATMENT AREA PROVIDED = 195 SF
SCALE: 1"=10'



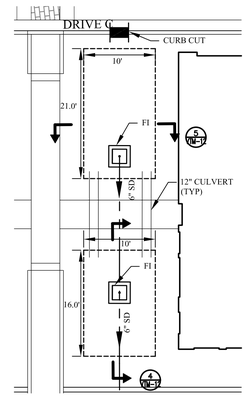
TREATMENT AREA 7
TREATMENT AREA PROVIDED = 195 SF
SCALE: 1"=10'



TREATMENT AREA 8
TREATMENT AREA PROVIDED = 200 SF
SCALE: 1"=10'



TREATMENT AREA 10
TREATMENT AREA PROVIDED = 125 SF
SCALE: 1"=10'



TREATMENT AREA 11
TREATMENT AREA PROVIDED = 325 SF
SCALE: 1"=10'

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE (408) 846-0300 FAX (408) 846-0302

VESTING TENTATIVE MAP
CONCEPTUAL TREATMENT AREA BLOWUPS
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

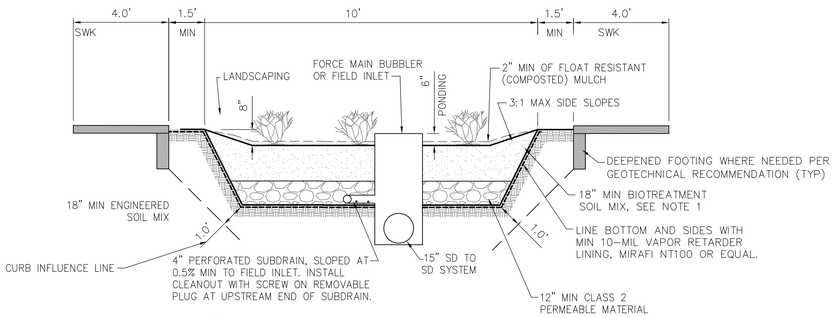
SCALE NONE
DATE OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-11
0F 17 SHEETS

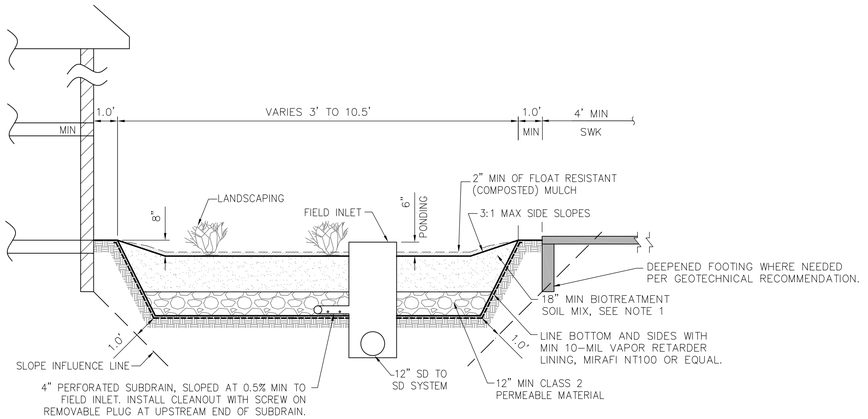
JOB NO.
122015

W: \JOBS 12\12015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-11 CONCEPTUAL TREATMENT AREA BLOWUPS.DWG



④ TREATMENT AREA DETAIL
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



⑤ TREATMENT AREA DETAIL
NO SCALE

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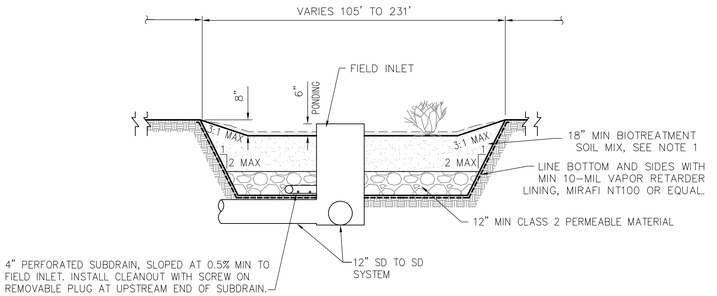

⑥ BIOSWALE LONGITUDINAL SECTION
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
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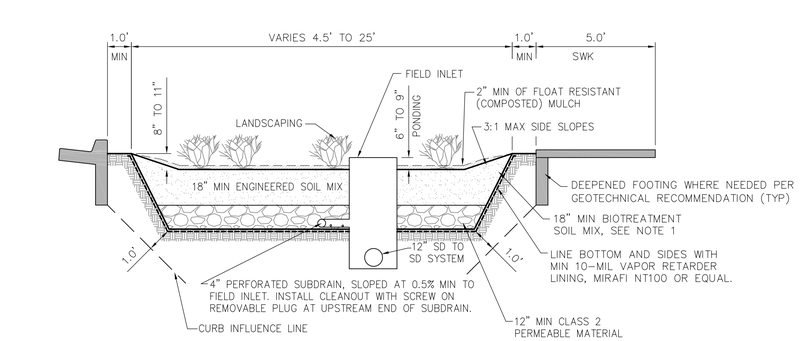

⑦ TREATMENT AREA DETAIL
NO SCALE

NOTES:
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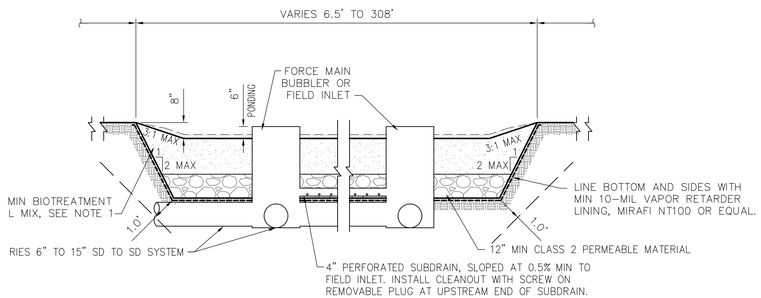

⑧ BIOSWALE LONGITUDINAL SECTION
NO SCALE

NOTES:
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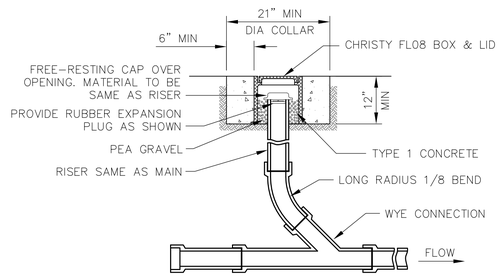

CLEANOUT DETAIL
NO SCALE

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC

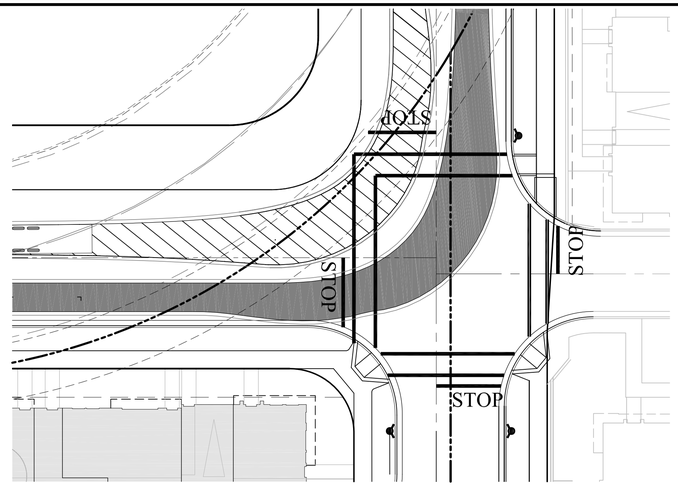
DATE	BY	SHEET REVISIONS	BY	CK

SCALE
DATE OCTOBER 5, 2015

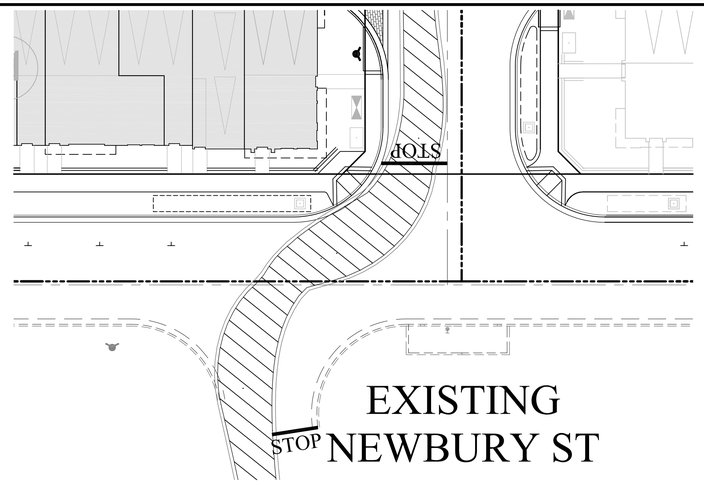
SHEET
VTM-12
OF 17 SHEETS

JOB NO.
122015

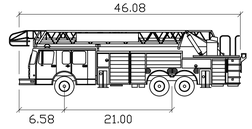
W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-12 CONCEPTUAL STORMWATER CONTROL PLAN DETAILS.DWG



1 NEWBURY STREET & CENTRE POINTE DRIVE INTERSECTION
1"=20'



2 NEWBURY STREET & BOND STREET INTERSECTION
1"=20'

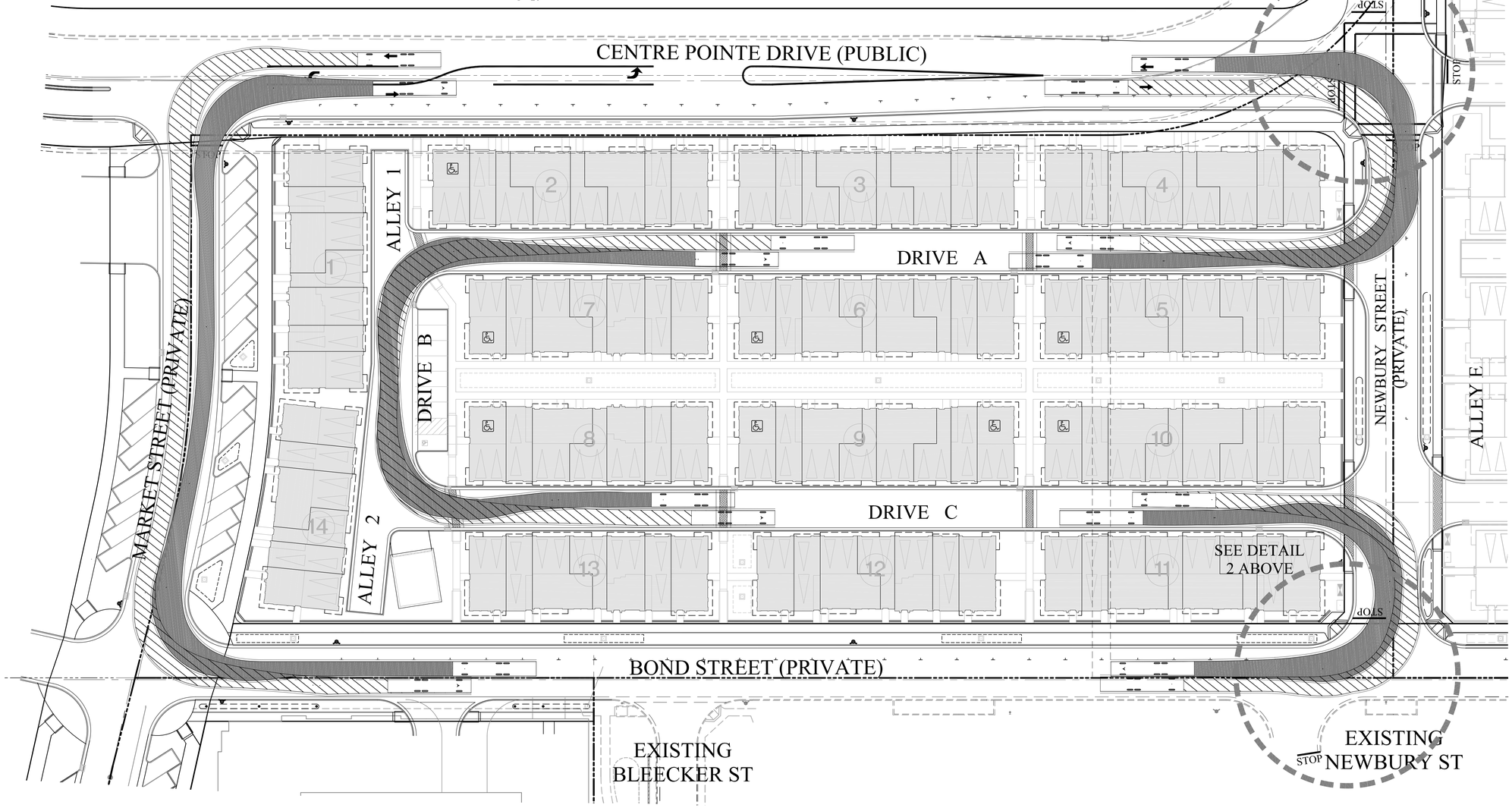


MODEL SP95 feet

Width	: 8.00
Track	: 7.00
Lock to Lock Time	: 7.00
Steering Angle	: 33.60

Radii:
Inclusive of 24' Clearance
Outside : 48'-6"
Inside : 28'-0"

LEGEND
OUT MOVEMENTS
IN MOVEMENTS



RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
CONCEPTUAL EMERGENCY VEHICLE PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC

DATE	MK	SHEET REVISIONS	BY	CK

SCALE 1"=30'
DATE OCTOBER 5, 2015

SHEET
VTM-13
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-13 CONCEPTUAL EMERGENCY VEHICLE PLAN.DWG

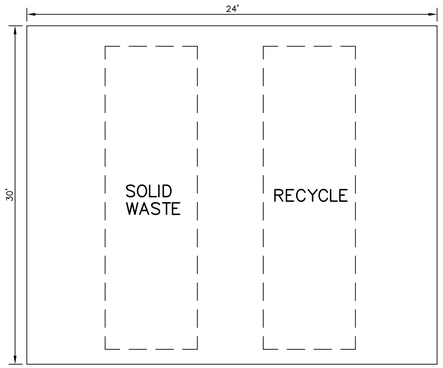
CENTRE POINTE LOT B

T

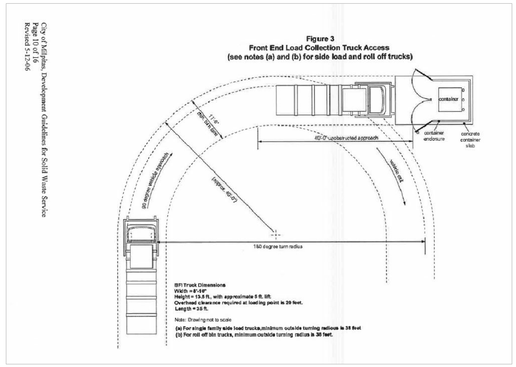
TRASH COLLECTION AREA.
TRASH COMPACTION AND PICKUP AREA.
HOA WILL PICK UP INDIVIDUAL UNITS TRASH AND RECYCLABLES AND TRANSPORT TO COMPACTORS. SOLID WASTE COMPANY WILL PICK UP SOLID WASTE AND RECYCLABLES FROM TRASH COLLECTION AREA. SEE SOLID WASTE AND RECYCLABLE WASTE CALCULATIONS AND MORE DETAILED DESCRIPTION IN SOLID WASTE REPORT (PART OF TENTATIVE MAP SUBMITTAL).

GENERAL NOTE:

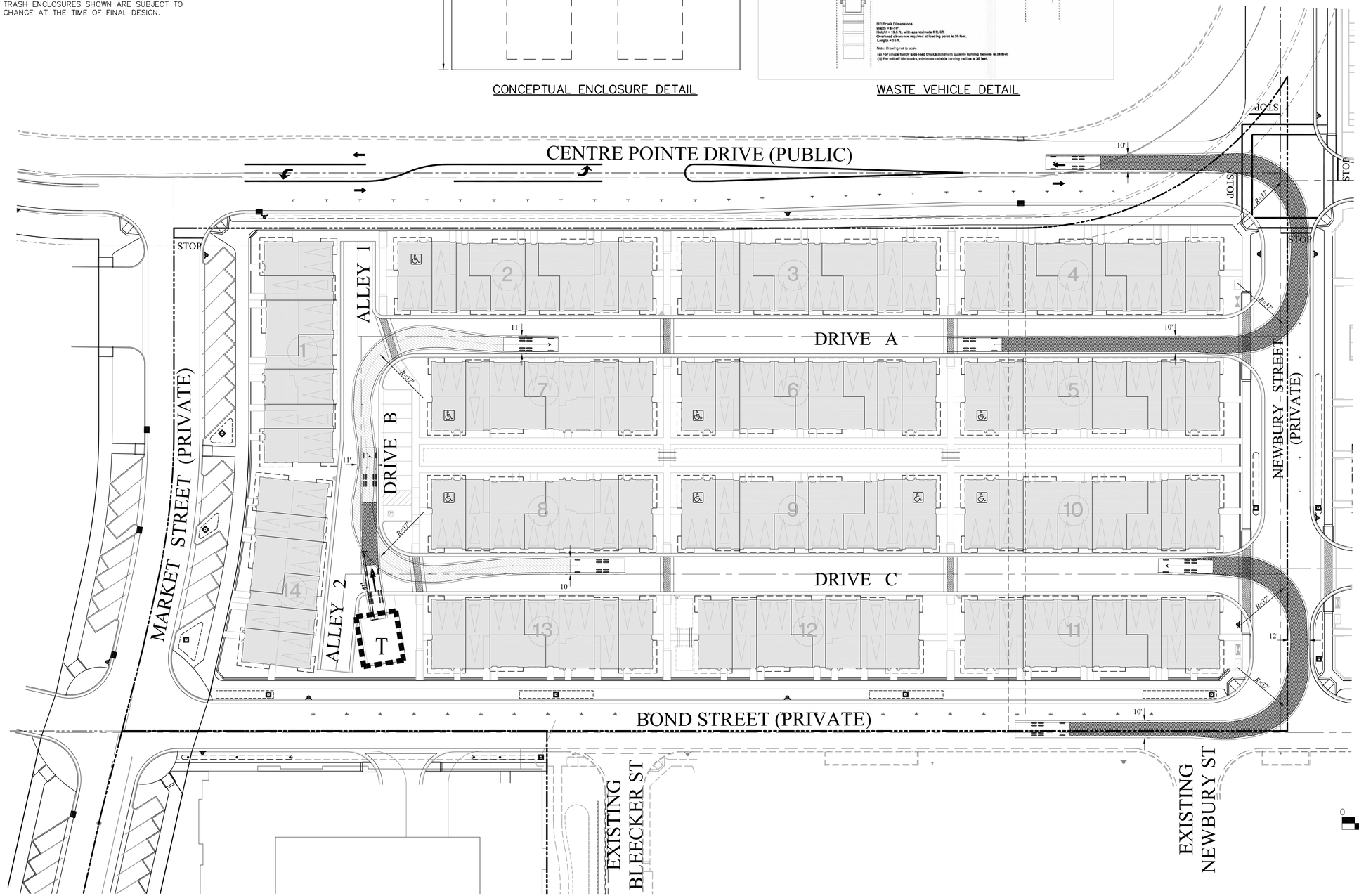
TRASH ENCLOSURES SHOWN ARE SUBJECT TO CHANGE AT THE TIME OF FINAL DESIGN.



CONCEPTUAL ENCLOSURE DETAIL



WASTE VEHICLE DETAIL



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8055 CAMINO ARROYO GILROY, CA 95020
PHONE (408) 848-3300 FAX (408) 848-3302

VESTING TENTATIVE MAP
CONCEPTUAL SOLID WASTE VEHICLE PLAN
CENTRE POINTE LOT B
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

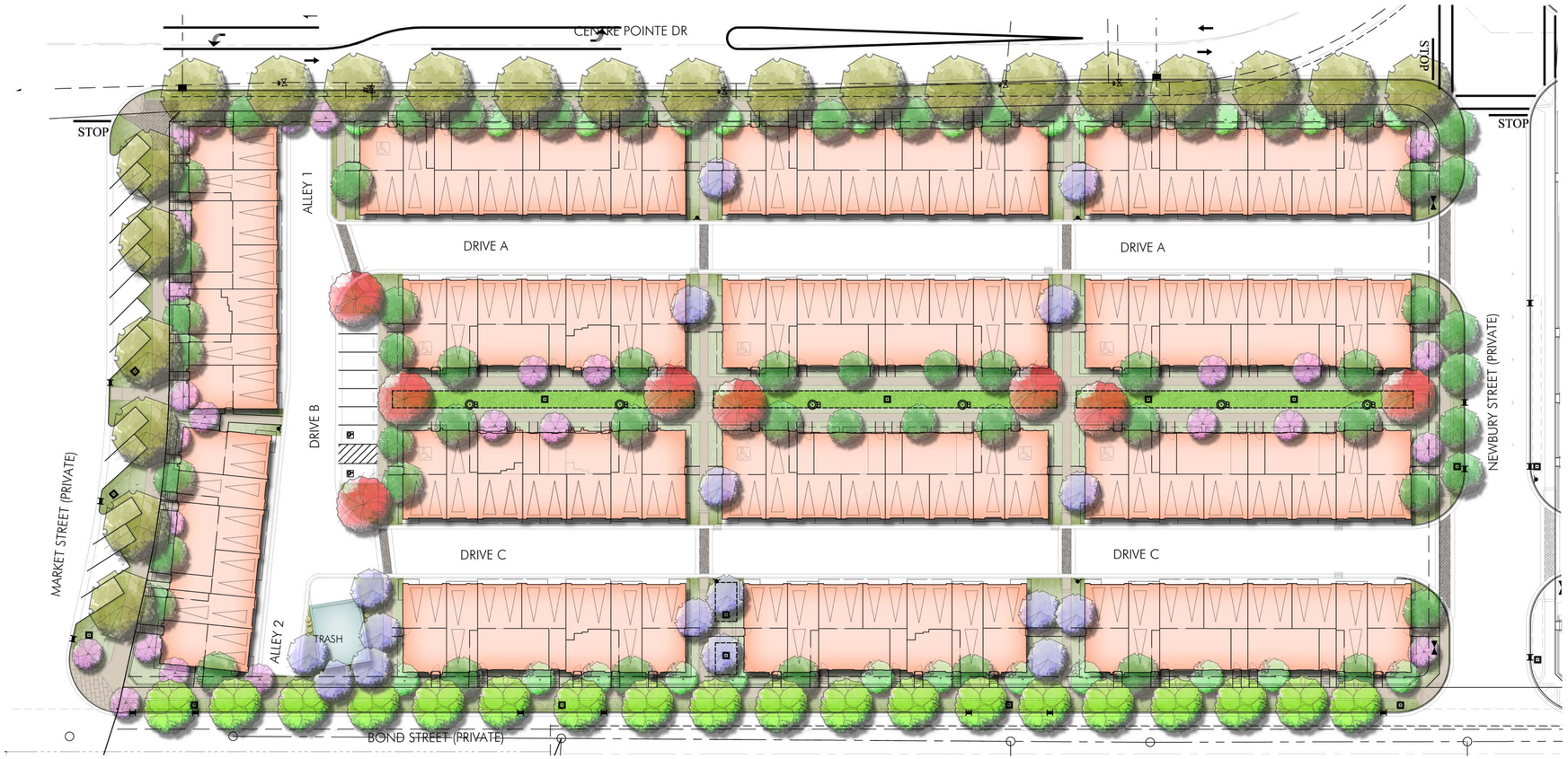
SCALE 1"=30'
DATE OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-14
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT B\TENTATIVE MAP 2015\VTM-14 CONCEPTUAL SOLID WASTE VEHICLE PLAN.DWG



ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
2. STREETSCAPE ELEMENTS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO MATCH THE ADJACENT McCANDLESS DRIVE STREETSCAPE ELEMENTS FOR CONTINUITY WITHIN THE TASP AREA. ELEMENT LOCATIONS TO BE COORDINATED WITH THE CITY DURING FINAL PLAN CHECK APPROVALS.

DISTRICT 1 - LOT 4

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL. - 18" OC	MEDIUM
	MARATHON II©	TURF	SOD - ROLLS	HIGH
	VINCA MAJOR 'ALBA'	WHITE PERIWINKLE	1 GAL. - 2' OC	MEDIUM
	VINCA MAJOR 'PURPLE'	PURPLE PERIWINKLE	1 GAL. - 2' OC	MEDIUM

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	FICUS PUMILA	CREEPING FIG	1 GAL. - STAKED	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GAL.	LOW
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	NANDINA DOMESTICA 'GULF STREAM'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
	PENNISETUM S. 'EATON CANYON'	PURPLE FOUNTAIN GRASS	5 GAL.	MEDIUM
	PHORMIUM TENAX 'ATROPURPUREUM'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'DUET'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'MAORI QUEEN'	NEW ZEALAND FLAX	15 GAL.	LOW
	PITTOSPORUM TOBIRA 'CREAM DE MINT'	DWARF VARIEGATED TOBIRA	5 GAL.	LOW
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED TOBIRA	15 GAL.	LOW
	PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	15 GAL.	MEDIUM
	RHAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIA HAWTHORN	5 GAL.	LOW
	ROSA 'ICEBERG'	WHITE ICEBERG ROSE	15 GAL.	MEDIUM
	VIBURNUM TINUS 'SPRING BOUQUET'	COMPACT LAURISTINUS	15 GAL.	MEDIUM

DISTRICT 2

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AGAPANTHUS AFRICANUS 'BLUE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	AGAPANTHUS AFRICANUS 'WHITE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	ASPARAGUS DENSIFLORUS 'MYERS'	MEYERS ASPARAGUS	5 GAL.	MEDIUM
	BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	24" BOX	MEDIUM
	BAMBUSA OLDHAMII	GIANT TIMBER BAMBOO	24" BOX	MEDIUM
	BUXUS M. JAPONICA 'WINTER GEM'	JAPANESE BOXWOOD	5 GAL.	MEDIUM
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL.	MEDIUM
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	MEDIUM
	DIETES BICOLOR	AFRICAN IRIS	15 GAL.	LOW
	DIETES VEGETA 'VARIEGATA'	VARIEGATED FORTNIGHT LILY	15 GAL.	LOW
	DODONAEA VISCOSA 'SARATOGA'	PURPLE HOPSEED BUSH	15 GAL.	LOW
	ESCALLONIA 'FRADESII'	ESCALLONIA	15 GAL.	MEDIUM
	GREWIA OCCIDENTALIS	GREWIA	15 GAL. COLUMNAR	MEDIUM
	HEMEROCALLIS 'DOUBLE ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
	HEMEROCALLIS 'LEMON YELLOW'	HEMEROCALLIS	5 GAL.	MEDIUM
	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	15 GAL.	MEDIUM
	LIRIOPE 'SUNPROOF'	LIRIOPE 'SUNPROOF'	5 GAL.	MEDIUM

PLANTING LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	EXISTING PLATANUS PROTECT IN PLACE	EXISTING PLATANUS PROTECT IN PLACE	N/A	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX MULTI	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM

CENTRE POINTE - NEIGHBORHOOD B

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan
Neighborhood B

Entitlement Set
Sheet no.
B.L-01

FILE NAME: S:\2013 Projects\13-079 Centre Pointe\LANDSCAPE\Prelim\Pending Submittal\13-079-layouts-Neighborhoods_BC.dwg

DATE/TIME OF PLOT: 10/1/2015 3:34:23 PM

ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
2. STREETSCAPE ELEMENTS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO MATCH THE ADJACENT McCANDLESS DRIVE STREETSCAPE ELEMENTS FOR CONTINUITY WITHIN THE TASP AREA. ELEMENT LOCATIONS TO BE COORDINATED WITH THE CITY DURING FINAL PLAN CHECK APPROVALS.

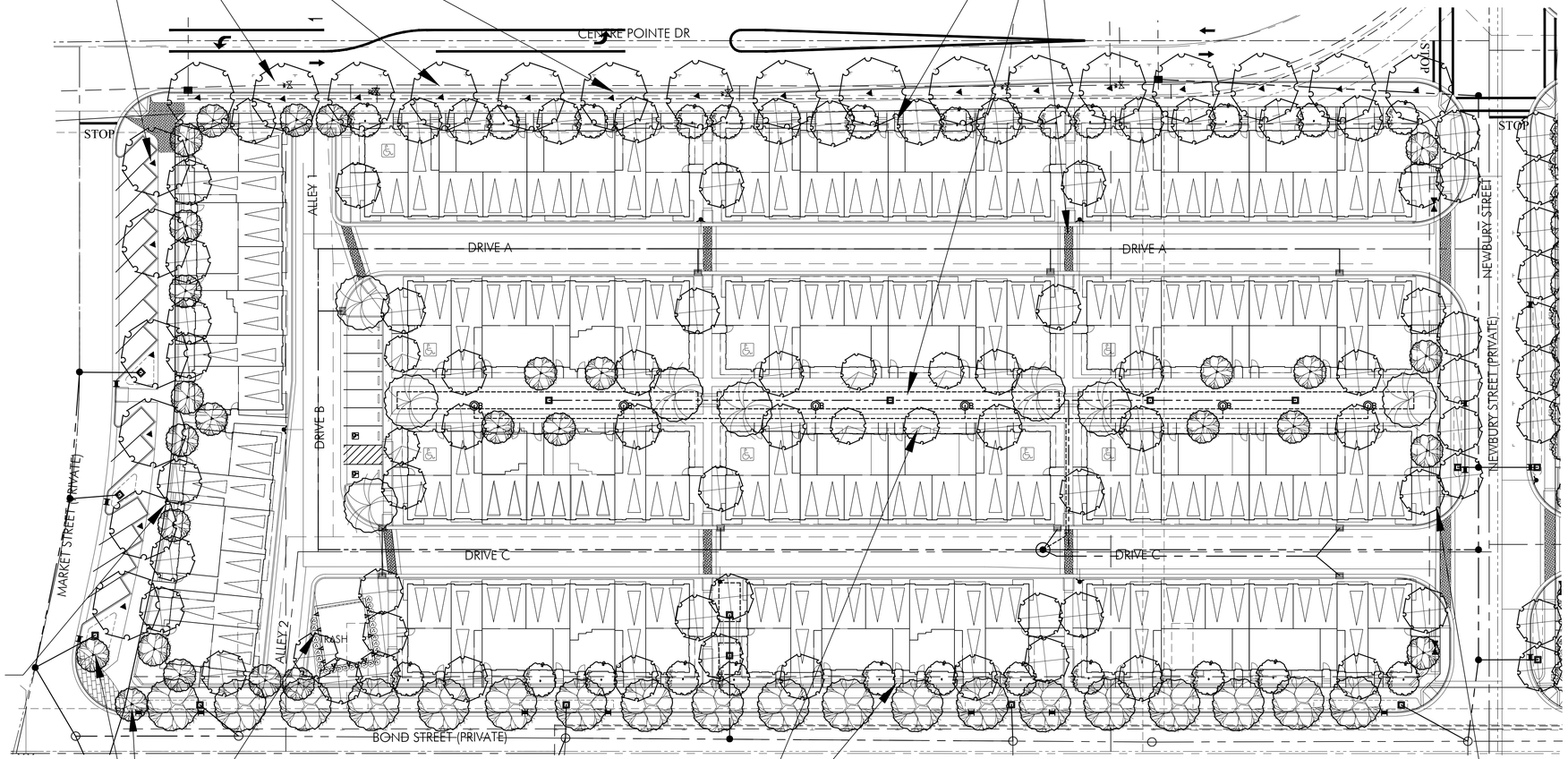
SINGLE ROW OF LONDON PLANE TREE
APPROX. 40' O.C.
[PLATANUS X ACERIFOLIA]

MARKET STREET TREES AND PLANTING SCHEME
TO CORRESPOND WITH DISTRICT 1 - LOT 4
UTILIZING LONDON PLANE TREE
[PLATANUS X ACERIFOLIA] AS THE STREET TREE

STEPS TO CENTRE POINTE DRIVE TYPICAL

WATER TREATMENT AREAS

ENHANCED INTERNAL CROSSWALKS



STEPS TO MARKET STREET TYPICAL

DISTRICT 1 - LOT 4

DISTRICT 2

PASEO ACCENT ENTRY TREE

STEPS TO BOND STREET TYPICAL

EVERGREEN TREE TO ALLEY ENTRANCE

ENTRY STREET TREE - CRAPE MYRTLE

ENCLOSED TRASH ENCLOSURE WITH
PLANT SCREENED WALLS

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-Layouts-Neighborhoods_BC.dwg

DATE/TIME OF PLOT: 10/1/2015 5:40:36 PM

CENTRE POINTE - NEIGHBORHOOD B

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan
Neighborhood B

Entitlement Set
Sheet no.
B.L-02

ADDITIONAL NOTES & PROJECT REQUIREMENTS

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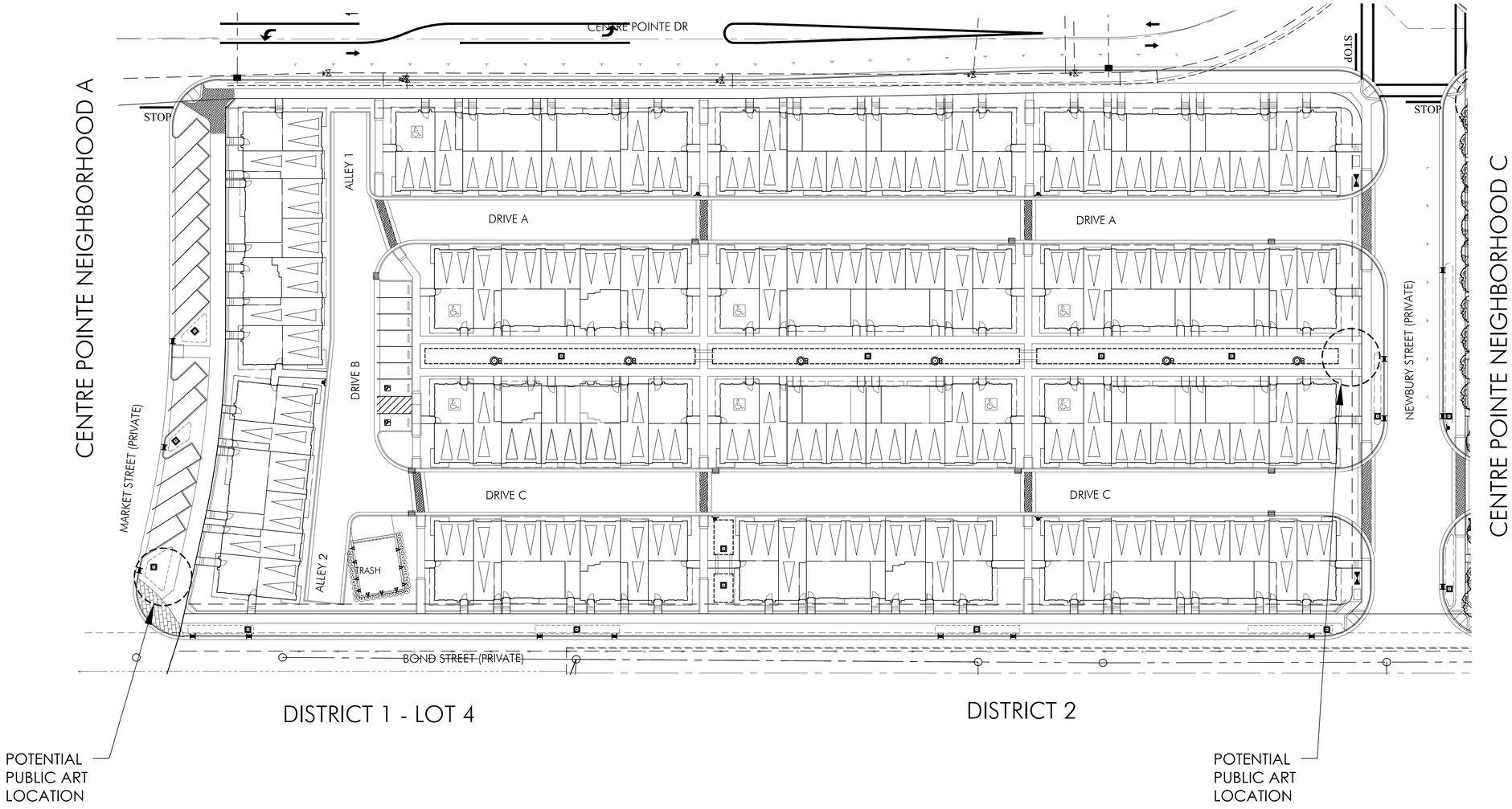


CENTRE POINTE - NEIGHBORHOOD B

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

POTENTIAL PUBLIC ART LOCATIONS

Neighborhood B

Entitlement Set
Sheet no.
B.L-03

DATE/TIME OF PLOT: 10/1/2015 5:41:51 PM
FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-Layouts-Neighborhoods_BC.dwg

VESTING TENTATIVE MAP
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA
P-MT15-0007

RECORD OWNER:
CP LAND, LLC.

APPLICANT/DEVELOPER:
LYON CAPITAL VENTURES, LLC.
4901 BIRCH STREET
NEWPORT BEACH, CA 92660
CONTACT: PETER ZAK
PETERZAK@LYON1.COM
(949) 633-7383

CIVIL ENGINEER:
RUGGERI-JENSEN-AZAR & ASSOCIATES
8055 CAMINO ARROYO
GILROY, CA 95020
CONTACT: JORGE DURAN, P.E., R.C.E. 59978
JDURAN@RJA-GPS.COM
408-848-0300

SITE DATA

1. PROPERTY ADDRESS: 1557 & 1585 CENTRE POINTE DRIVE, MILPITAS, CA 95035
2. ASSESSOR PARCEL NUMBERS: 086-330-89 & A PORTION OF 086-330-88
3. TOTAL EXISTING PARCEL: 1
4. EXISTING LAND USE: COMMERCIAL/OFFICE BUILDING (VACANT)
5. PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL
6. EXISTING ZONING: MULTI-FAMILY RESIDENTIAL HIGH DENSITY (R3)
   MIXED USE VERY HIGH DENSITY (MXD3)
   TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD)
7. TOTAL GROSS AREA: 5.78 ± AC
8. AREA DEDICATED TO CITY OF MILPITAS: 0.03 ± AC (NET AREA=5.78 ± AC)
9. TOTAL RESIDENTIAL UNITS: 136
10. GROSS DENSITY: 23.5 UNITS/AC
11. UTILITIES:
    WATER
    - PUBLIC - CENTRE POINTE DRIVE, BOND STREET, MONTAGUE EXPRESSWAY AND NEWBURY STREET
    - PRIVATE- WITHIN RESIDENTIAL AREAS

    RECYCLED WATER
    - PUBLIC - CENTRE POINTE DRIVE AND MONTAGUE EXPRESSWAY

    SEWER
    - PUBLIC - CENTRE POINTE DRIVE AND MONTAGUE EXPRESSWAY
    - PRIVATE- WITHIN RESIDENTIAL AREAS

    STORM
    - PUBLIC - CENTRE POINTE DRIVE, BOND STREET, MONTAGUE EXPRESSWAY AND NEWBURY STREET
    - PRIVATE- WITHIN RESIDENTIAL AREAS

    GAS & ELECTRIC
    - PG&E

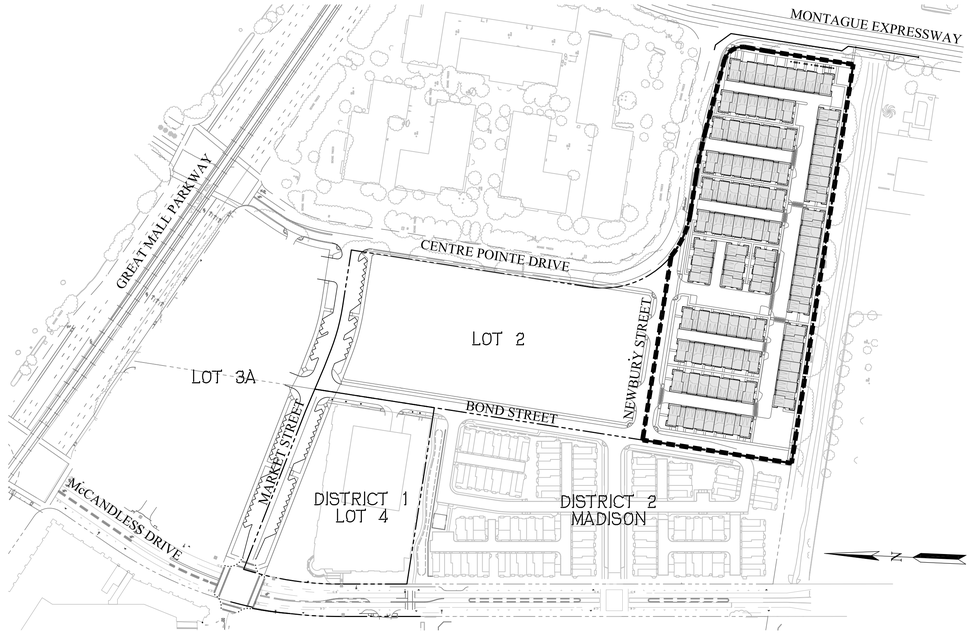
    TELEPHONE
    - AT&T

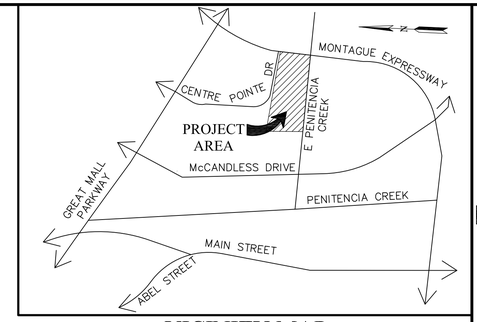
    CABLE TELEVISION
    - COMCAST
12. STREETS
    - BOND STREET AND NEWBURY STREET WILL BE PRIVATE.
    - EXISTING CENTRE POINTE DRIVE (PUBLIC).
13. THE PROJECT BENCHMARK IS THE SOUTHERLY DISK IN MONUMENT WELL AT THE INTERSECTION OF ABEL STREET AND CORNING AVENUE,
    ELEVATION = 17.124' NGVD29 (19.864' NAVD88)
    PROJECT ELEVATIONS ARE BASED ON NGVD29

    THE CALCULATED GRID BEARING OF N39°43'13"W OF THE LINE BETWEEN THE FOUND MONUMENT AT THE INTERSECTION OF MONTAGUE EXPRESSWAY WITH CENTRE POINTE DRIVE AND THE FOUND MONUMENT AT THE INTERSECTION OF SOUTH ABEL STREET WITH WEST CURTIS AVENUE WAS USED FOR THE BASIS OF BEARINGS FOR THIS MAP. THESE MONUMENTS ARE SHOWN AS POINT NUMBERS "1008" AND "1011" ON THAT RECORD OF SURVEY FILED JUNE 26, 1996 IN BOOK 678 OF MAPS, AT PAGES 10 THROUGH 13, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA. THE BEARING WAS CALCULATED FROM THE COORDINATE VALUES FROM EPOCH 1986 SHOWN ON SHEET 4 OF 4 OF THAT SURVEY. THE VALUES OF POINTS "1008" AND "1011" ARE AS FOLLOWS:

	NORTHING	EASTING
"1008"	1974285.72	6156434.98
"1011"	1977865.34	6153460.98

13. PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 06085C0067J, DATED FEBRUARY 19, 2014, THE PROJECT SITE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AO. ZONE AO IS DEFINED AS, "FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED."
14. THE EXISTING TOPOGRAPHY IS BASED ON AN AERIAL SURVEY RECEIVED FROM AEROGEODETIC, DATED MAY 15, 2006; THE CONTOURS SHOWN ON THIS PLAN REPRESENT GROUND ELEVATIONS, AS DETERMINED AT THE TIME OF SAID SURVEY. EXISTING SURFACE IMPROVEMENTS DEPICTED ON THE TOPOGRAPHIC MAP MAY DIFFER FROM CURRENT SITE CONDITIONS AS CONSTRUCTION ACTIVITIES ON THE SITE ARE ON-GOING.





VICINITY MAP
NOT TO SCALE

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	CATCH BASIN	
	ELECTRIC	
	ELECTROLIER	
	CENTERLINE	
	EASEMENT	
	SITE	
	FIRE HYDRANT	
2%	FLOW DIRECTION	
1	LOT NUMBER	
	LOT LINE	
	MANHOLE	
	PROJECT BOUNDARY	
SS	SANITARY SEWER	
36.6X	SPOT GRADE	36.6
SD	STORM DRAIN	
W	WATER	
	LIMIT OF BUILDING AT GROUND LEVEL	
	SD BUBBLER	

GENERAL NOTES

1. THERE ARE NO EXISTING KNOWN WELLS ON SITE.
2. STREET LIGHTS ON PUBLIC STREETS WILL BE CONSTRUCTED TO CITY STANDARDS AND DEDICATED TO THE CITY.
3. STREET LIGHTS ON PRIVATE DRIVES WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
4. PROPOSED GRADES, IMPROVEMENTS, AND UTILITIES AS SHOWN ARE CONCEPTUAL. FINISH GRADING, IMPROVEMENTS, AND UTILITIES ARE SUBJECT TO FINAL DESIGN, SUBJECT TO SITE SPECIFIC FLOOD STUDY, AND MAY VARY AT FINAL DESIGN.
5. PROPOSED PIPE SIZES AND LENGTHS TO BE CONFIRMED DURING IMPROVEMENT PLAN PREPARATION.
6. ALL GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS AND CONDITIONS OF THE GEOTECHNICAL ENGINEER AND SUPPLEMENTAL REPORTS REGARDING THIS PROJECT.
7. ALL EROSION CONTROL MEASURES SHALL BE DONE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF MILPITAS.
8. COMMON OPEN SPACE PARCELS AND PRIVATE DRIVE PARCELS MAY BE SPLIT INTO ADDITIONAL PARCELS AS PART OF FINAL MAP AND BASED ON FINAL CONSTRUCTION PHASING.
9. RETAINING WALLS: ALL WALLS WILL BE PRIVATE FACILITIES & MAINTAINED BY HOMEOWNERS' ASSOCIATION. ALL WALL HEIGHTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE AT FINAL DESIGN.
10. ALL LANDSCAPING & COMMON AREAS WITHIN PRIVATE DEVELOPMENT ARE PRIVATELY OWNED & MAINTAINED BY HOMEOWNERS' ASSOCIATION.
11. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS VESTING TENTATIVE MAP.
12. A CONDO MAP(S) MAY BE FILED ON LOTS 1 - 16.
13. LOT NUMBERS SHOWN ARE FOR IDENTIFICATION PURPOSES ONLY AND ARE NOT INTENDED TO BE FINAL.

ABBREVIATIONS

AC	ACRES
APN	ASSESSOR'S PARCEL NUMBER
BC	BACK OF CURB
BFE	BASE FLOOD ELEVATION
BNDY	BOUNDARY
CB	STORM DRAIN CATCH BASIN
CL or C	CENTERLINE
DWY	DRIVEWAY
ELECT	ELECTROLIER
ESMT	EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FDC	FIRE DEPARTMENT CONNECTION
FOC	FACE OF CURB
FFU	FINISHED FLOOR GROUND LEVEL
FG	FINISHED GRADE
FH	FIRE HYDRANT
GB	GRADE BREAK
HP	HIGH POINT
LA	LANDSCAPE PLANS
LP	LOW POINT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
PD	PROJECT DRIVEWAY
PIV	POST INDICATOR VALVE
PIWE	PRIVATE IRRIGATION WATERLINE EASEMENT
PL	PROPERTY LINE
PP	POWER POLE
PRUE	PRIVATE UTILITY EASEMENT
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R/W	RIGHT OF WAY
RW	RECYCLED WATER
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SLD	SEE LANDSCAPE DRAWINGS
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SWK	SIDEWALK
LS	LANDSCAPE
C&G	CURB & GUTTER

TABLE OF CONTENTS

SHEET NUMBER	SHEET TITLE
VTM-1	TITLE SHEET
VTM-2	EXISTING SITE PLAN
VTM-3	OFFSITE RESPONSIBILITIES
VTM-4	SITE PLAN
VTM-5	STREET SECTIONS
VTM-6	STREET SECTIONS
VTM-7	CONCEPTUAL LOTTING PLAN
VTM-8	CONCEPTUAL GRADING PLAN
VTM-9	CONCEPTUAL UTILITY PLAN
VTM-10	CONCEPTUAL STORMWATER CONTROL PLAN
VTM-11	CONCEPTUAL TREATMENT AREA BLOWUPS
VTM-12	CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
VTM-13	CONCEPTUAL EMERGENCY VEHICLE PLAN
VTM-14	CONCEPTUAL SOLID WASTE VEHICLE PLAN
C.L-01	CONCEPTUAL LANDSCAPE ILLUSTRATIVE WITH PLANT PALETTE
C.L-02	CONCEPTUAL LANDSCAPE PLAN
C.L-03	POTENTIAL PUBLIC ART LOCATIONS

SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

City Engineer Date

Recommended for Approval by the Milpitas Planning Commission, this _____ day of _____ 20_____ , and Approved by the Milpitas City Council this _____ day of _____ 20 _____.

Planning & Neighborhood Services Director Date

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
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PHONE: (408) 848-0300 FAX: (408) 848-0302

VESTING TENTATIVE MAP
TITLE SHEET
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC.

SCALE NONE
DATE OCTOBER 5, 2015

DATE	BY	CK

SHEET REVISIONS
MK

SHEET
VTM-1
0F 17 SHEETS

JOB NO.
122015

W: \JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-1 TITLE SHEET.DWG

MONTAGUE EXPRESSWAY

ABUTTER'S RIGHTS OF ACCESS RELINQUISHED (11858-OR-84){EX-10}

PARCEL 1
517-M-42
APN: 086-33-089

EXISTING COMMERCIAL DEVELOPMENT

30' PG&E EASEMENT (STRIP 6, K146-OR-454){EX-12}
30' PACIFIC BELL EASEMENT (STRIP 3, K369-OR-1974){EX-13}
TO BE REMOVED

PARKING LOT

EX BUILDING 42,690± SF TO BE REMOVED

20' PG&E EASEMENT (STRIP 6, K146-OR-454){EX-12}
20' PACIFIC BELL EASEMENT (STRIP 3, K369-OR-1974){EX-13} TO BE REMOVED

10' PG&E EASEMENT (STRIP 7, K146-OR-454){EX-12} TO BE REMOVED

SCVWD EAST PENITENCIA CREEK

HOURET

VTA LIGHT RAIL

CENTRE POINTE DRIVE (PUBLIC)

30'
30'

EX LOT LINE (TYP) TO BE REMOVED

EX CONCRETE CURB (TYP)

EX BUILDING 70,057± SF TO BE REMOVED

20' PG & E EASEMENT (STRIP 5, K146-OR-454) TO BE REMOVED

PARCEL 2
517-M-42
086-33-088

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

APN:086-33-088

EX TREES TO BE REMOVED (TYP)

10' PSUE(517-M-42){EX-11}

ADJUSTED LOT LINE

EX OFFICE BUILDING

FORMER LOT LINE

PARCEL 3
517-M-42
086-33-087

EX BUILDING 46,087± SF TO BE REMOVED

APN:086-33-087

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PSUE TO BE ADJUSTED TO 8'

EX TREES TO BE REMOVED (TYP)

PARCEL 4
517-M-42
086-33-086

EX BUILDING 47,930± SF TO BE REMOVED

APN:086-33-086

EX OFFICE BUILDING

ADJUSTED LOT LINE

10' PG&E EASEMENT (STRIP 2, K146-OR-454){EX-12} TO BE REMOVED

20' PG&E EASEMENT (STRIP 1, K146-OR-454){EX-12}
20' PACIFIC BELL EASEMENT (STRIP 1, K369-OR-1974){EX-13}
TO BE ABANDONED

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PG&E EASEMENT (STRIP 3, K146-OR-454){EX-12} TO BE REMOVED

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PG&E EASEMENT (STRIP 4, K146-OR-454){EX-12} TO BE REMOVED

PARKING LOT

BOND STREET (PRIVATE)

EX OUTFALL TO REMAIN

GREAT MALL PARKWAY

VTA LIGHT RAIL

PORTION OF PROPERTY LINE TO BE REMOVED
PORTION OF 25' EASEMENT FOR BOND STREET PURPOSES (PRIVATE ROAD PURPOSES) TO BE VACATED IN FAVOR OF LOT 3A PROJECT

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

END OF EX BOND STREET

25' EASEMENT FOR BOND STREET PURPOSES (PRIVATE ROAD PURPOSES)

PROPERTY LINE

EX LOT LINE (TYP)

EX BUILDING 48,904± SF TO BE REMOVED

APN:086-33-101

EX BUILDING 46,822± SF TO BE REMOVED

PARCEL 6
536-M-41
086-33-0101
5.791 AC±

BLEEKER ST

DISTRICT 2 TAYLOR MORRISON (EXISTING)

BLEEKER ST

NEWBURY STREET (PUBLIC)

APN:086-33-097

EX TREES TO BE REMOVED (TYP)

PARKING LOT

PROPERTY LINE

10' PSUE

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

McCANDLESS DRIVE (PUBLIC)

0 60 120 180
SCALE IN FEET: 1"= 60'

RJA
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VESTING TENTATIVE MAP
EXISTING SITE PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

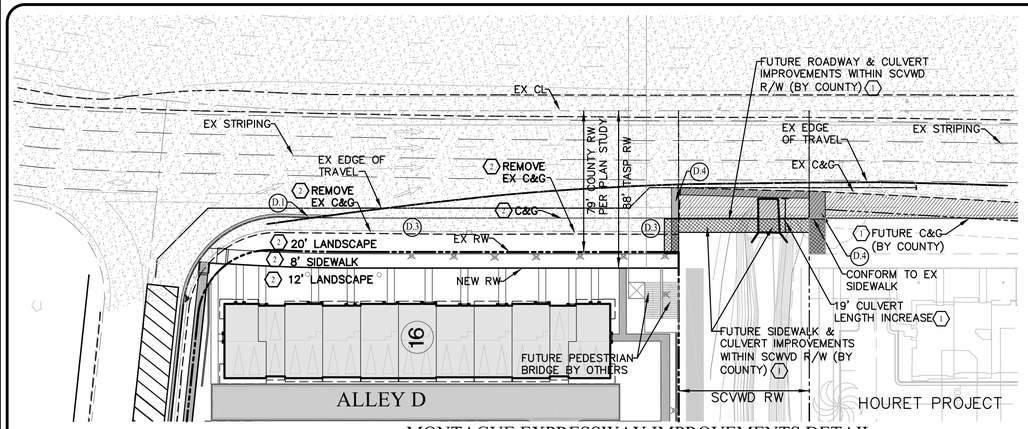
DATE	MK	SHEET REVISIONS	BY	CK

SCALE 1"=60'
DATE OCTOBER 5, 2015

SHEET
VTM-2
OF 17 SHEETS

JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-2 EXISTING SITE PLAN.DWG



MONTAGUE EXPRESSWAY IMPROVEMENTS DETAIL

SCALE 1"=40'

NOTES:

1. IMPROVEMENTS BY COUNTY
2. IMPROVEMENTS BY PROJECT

OFFSITE RESPONSIBILITY FOR LOT C

A CENTRE POINTE DRIVE

1. HALF OF STREET AC OVERLAY
2. REMOVE & REPLACE CURB & GUTTER
3. REMOVE & REPLACE SIDEWALK
4. ADJUST / RELOCATE MISC. UTILITIES
5. NEW PLANTER AREA AND BMP AREAS
6. NEW STREET LANDSCAPE
7. NEW INTERSECTION CONFORMS (PAINT ONLY)

B NEWBURY STREET

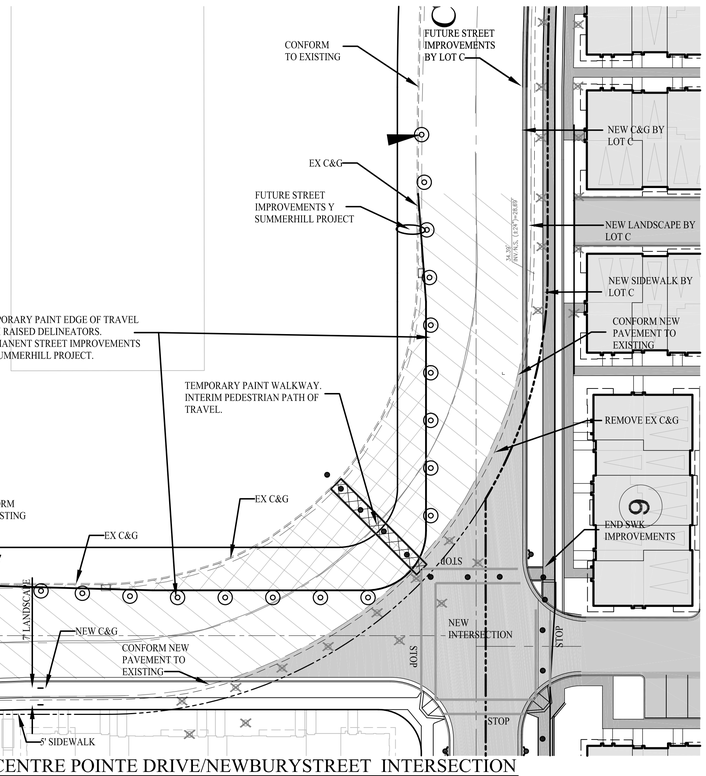
1. NORTH HALF OF STREET
2. NEW CURB & GUTTER
3. NEW SD CATCHBASINS
4. NEW 39" STORM DRAIN LINE & LATERALS
5. NEW 12" WATER LINE
6. NEW FIRE HYDRANTS
7. NEW BMP AREAS

C BOND STREET

1. EAST HALF OF STREET
2. NEW CURB & GUTTER
3. NEW SD CATCH BASINS
4. NEW PEDESTRIAN TRAIL
5. NEW FIRE HYDRANTS
6. NEW BMP AREAS

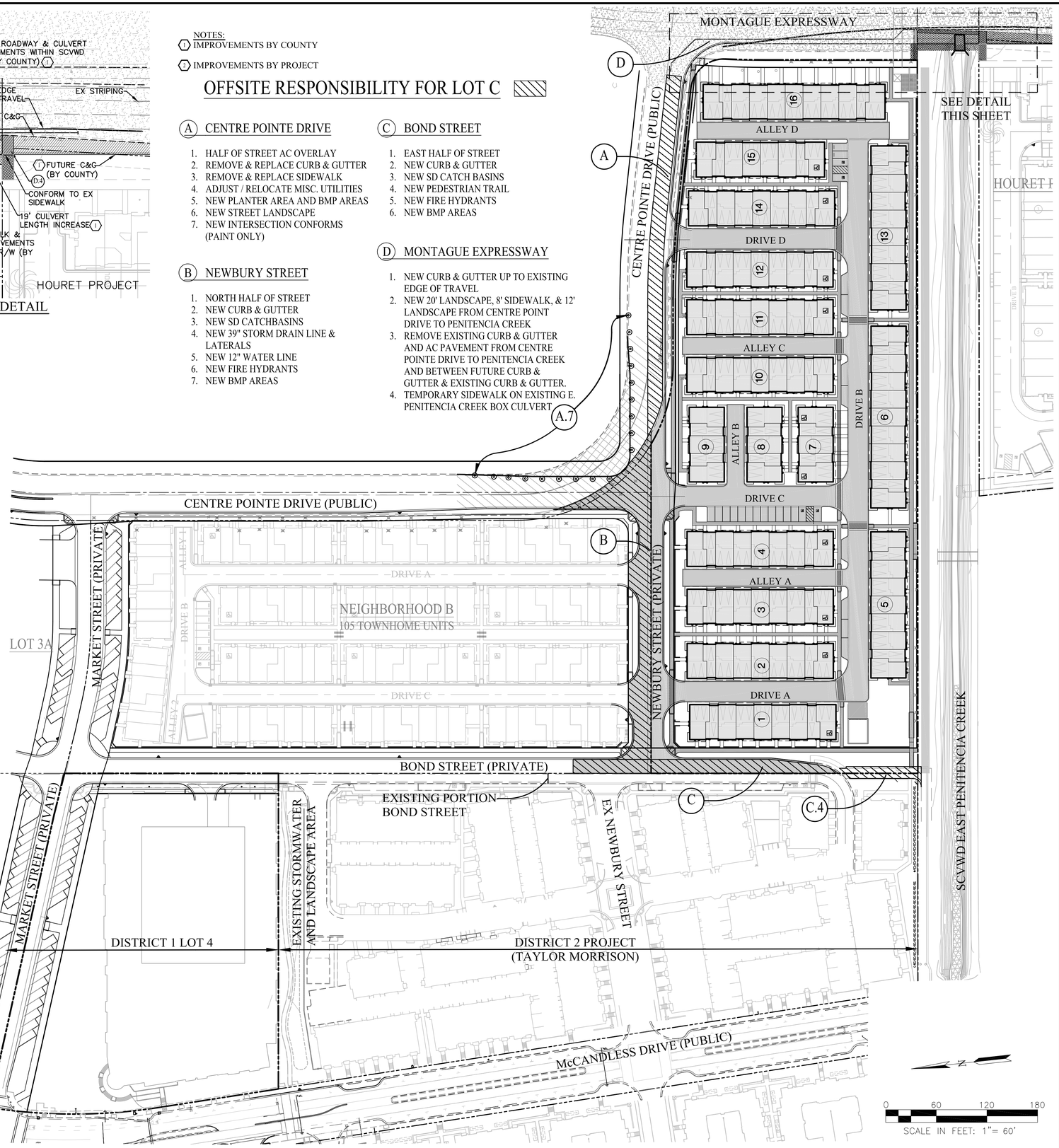
D MONTAGUE EXPRESSWAY

1. NEW CURB & GUTTER UP TO EXISTING EDGE OF TRAVEL
2. NEW 20' LANDSCAPE, 8' SIDEWALK, & 12' LANDSCAPE FROM CENTRE POINT DRIVE TO PENITENCIA CREEK
3. REMOVE EXISTING CURB & GUTTER AND AC PAVEMENT FROM CENTRE POINTE DRIVE TO PENITENCIA CREEK AND BETWEEN FUTURE CURB & GUTTER & EXISTING CURB & GUTTER.
4. TEMPORARY SIDEWALK ON EXISTING E. PENITENCIA CREEK BOX CULVERT



CENTRE POINTE DRIVE/NEWBURYSTREET INTERSECTION

SCALE 1"=30'



0 60 120 180

SCALE IN FEET: 1"= 60'

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VESTING TENTATIVE MAP
OFFSITE RESPONSIBILITIES
CENTRE POINTE LOT C

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK	SHEET REVISIONS	SCALE	DATE
				1"=60'	OCTOBER 5, 2015

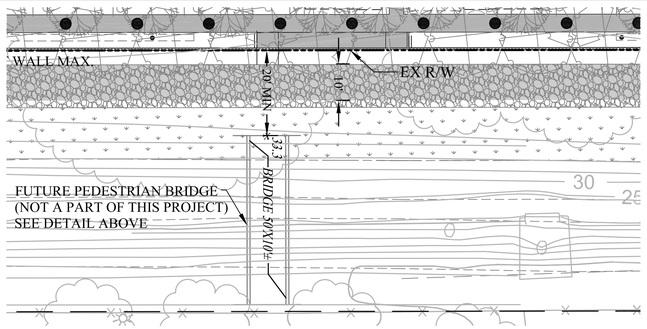
SHEET

VTM-3

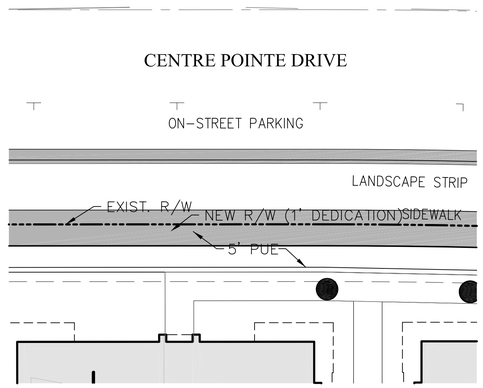
OF 17 SHEETS

JOB NO. 122015

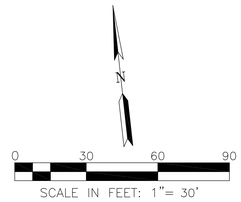
W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-3 OVERALL SITE PLAN.DWG



FUTURE PENITENCIA BRIDGE (BY OTHERS)
1"=20'



CENTRE POINTE DETAIL
1"=10'

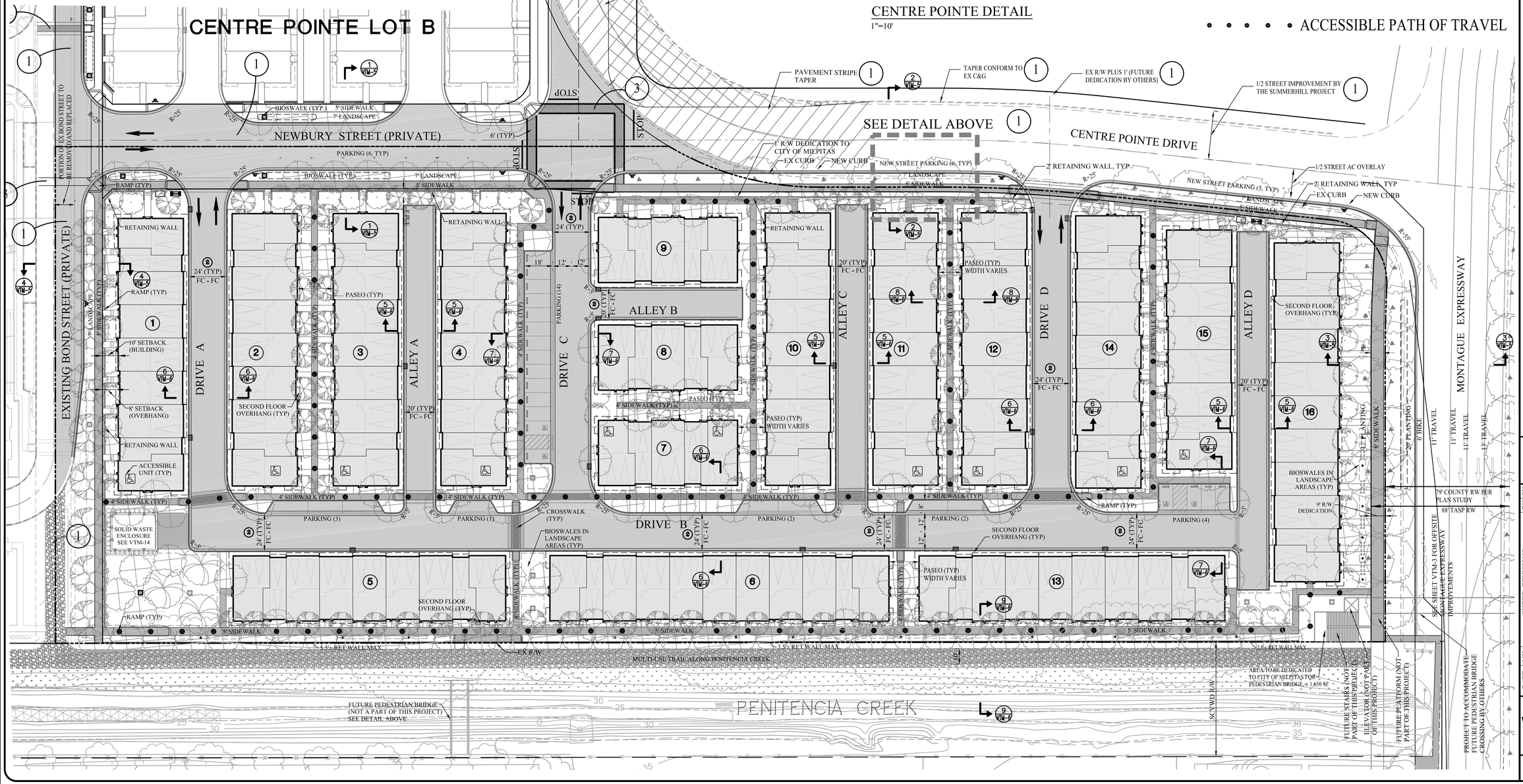


1 SEE SHEET VTM-3 FOR OFFSITE RESPONSIBILITIES FOR THIS PROJECT.

2 26' MIN REQUIRED BETWEEN THE MOST REMOTE BUILDING PROJECTION (FACE OF RAIN WATER GUTTER TO GUTTER)

3 ALL CROSSWALKS ARE DECORATIVE

• • • • • ACCESSIBLE PATH OF TRAVEL



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VESTING TENTATIVE MAP
SITE PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

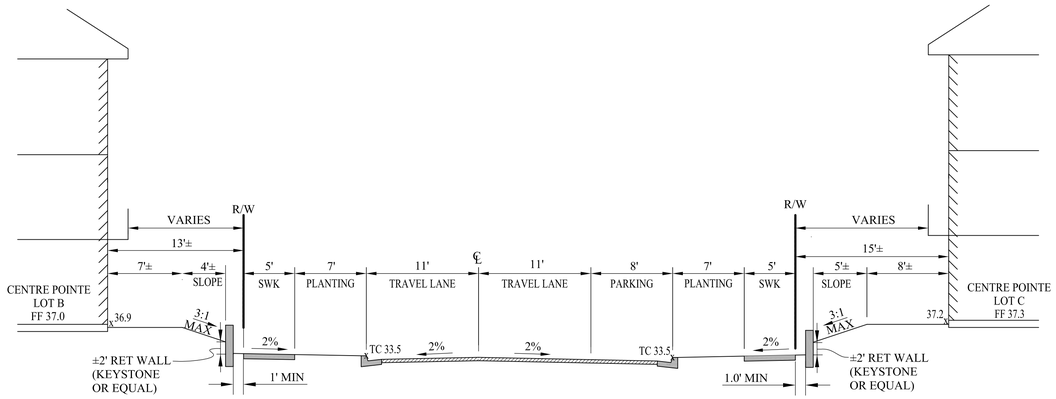
SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-4
OF 17 SHEETS

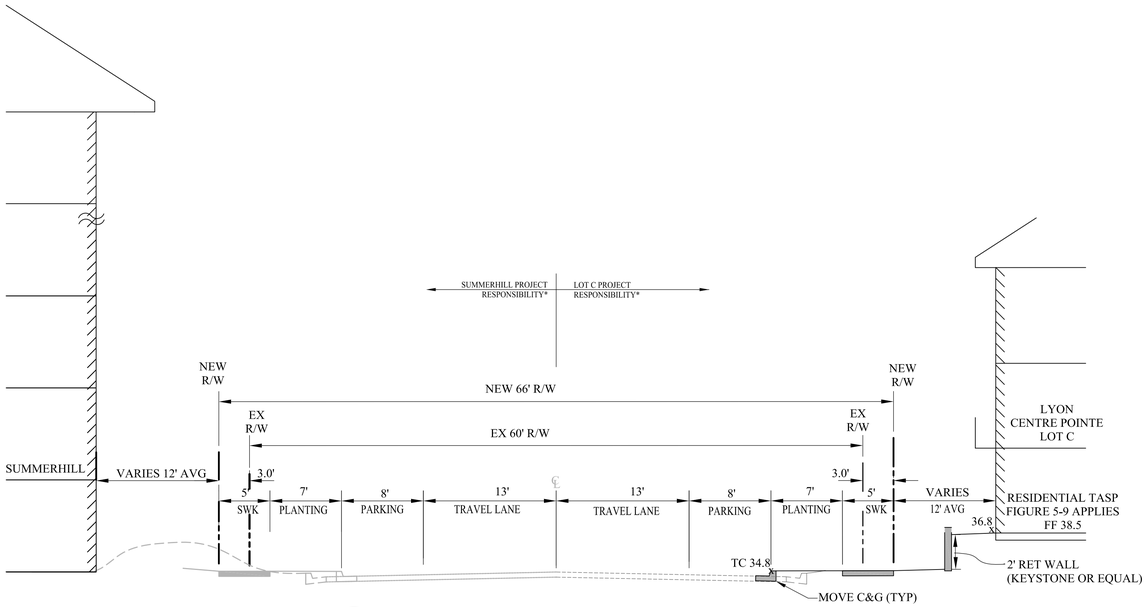
JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-4 SITE PLAN.DWG



1 - NEWBURY STREET (PRIVATE)
NO SCALE

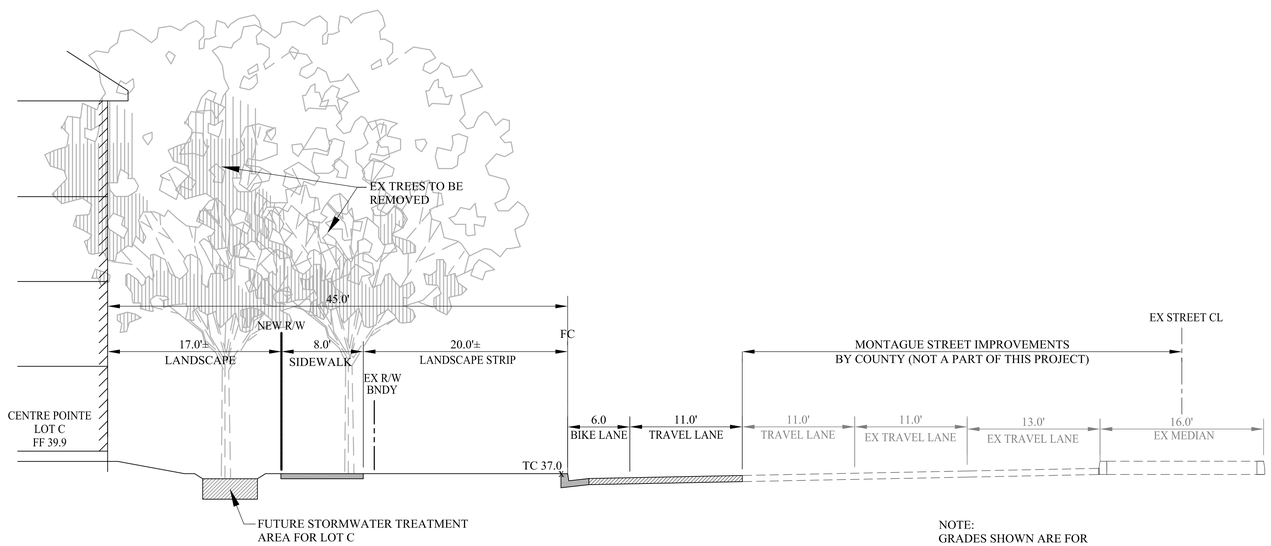
NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.



2 - CENTRE POINTE DRIVE (PUBLIC)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.

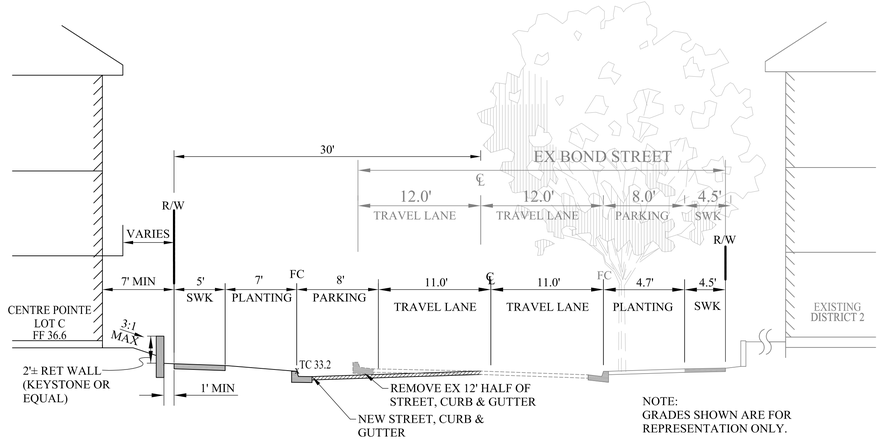
*LIMIT OF IMPROVEMENTS FOR LOT B
ASSUME LOT B IS CONSTRUCTED FIRST.



3 - MONTAGUE EXPRESSWAY (PUBLIC)
NO SCALE

(IMPROVEMENTS FOR MONTAGUE
EXPRESSWAY BY SANTA CLARA COUNTY)

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.



4 - BOND STREET (PRIVATE)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
STREET SECTIONS
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC.

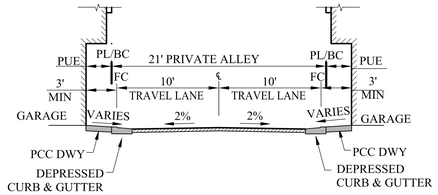
SCALE	DATE
N.T.S.	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

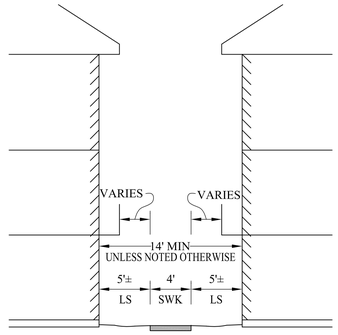
SHEET
VTM-5
OF 17 SHEETS

JOB NO.
122015

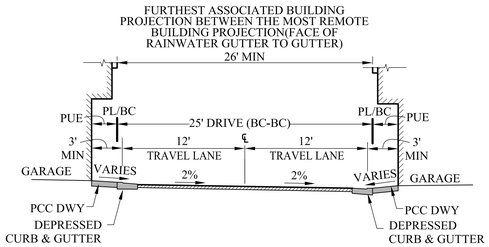
W: \JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-5 STREET SECTIONS.DWG



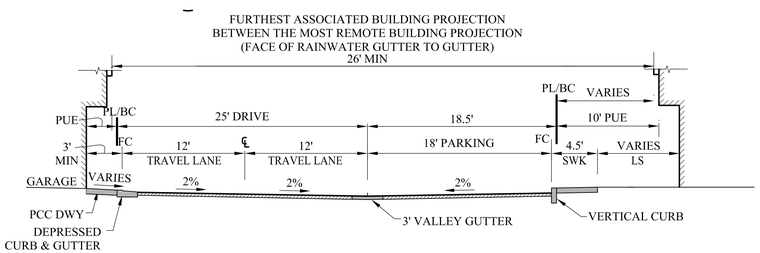
5 / - PRIVATE ALLEYS (TYPICAL)
NO SCALE



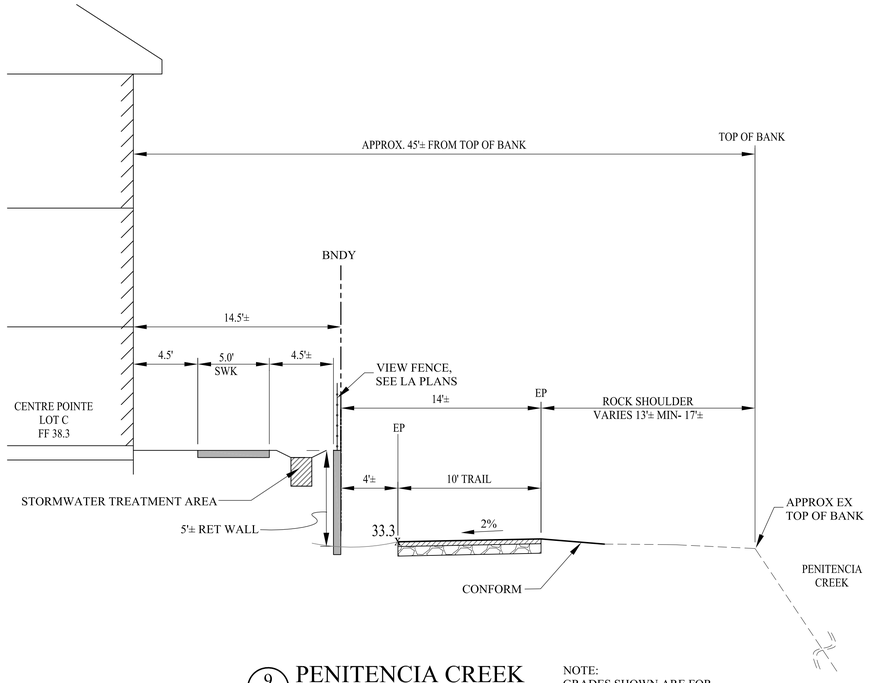
8 / - PASEO (TYPICAL)
NO SCALE



6 / - PRIVATE DRIVES (TYPICAL)
NO SCALE



7 / - DRIVE WITH PERPENDICULAR PARKING (PRIVATE)
NO SCALE



9 / - PENITENCIA CREEK
NO SCALE

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.

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VESTING TENTATIVE MAP
STREET SECTIONS
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
N.T.S.	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-6
OF 17 SHEETS

JOB NO.
122015

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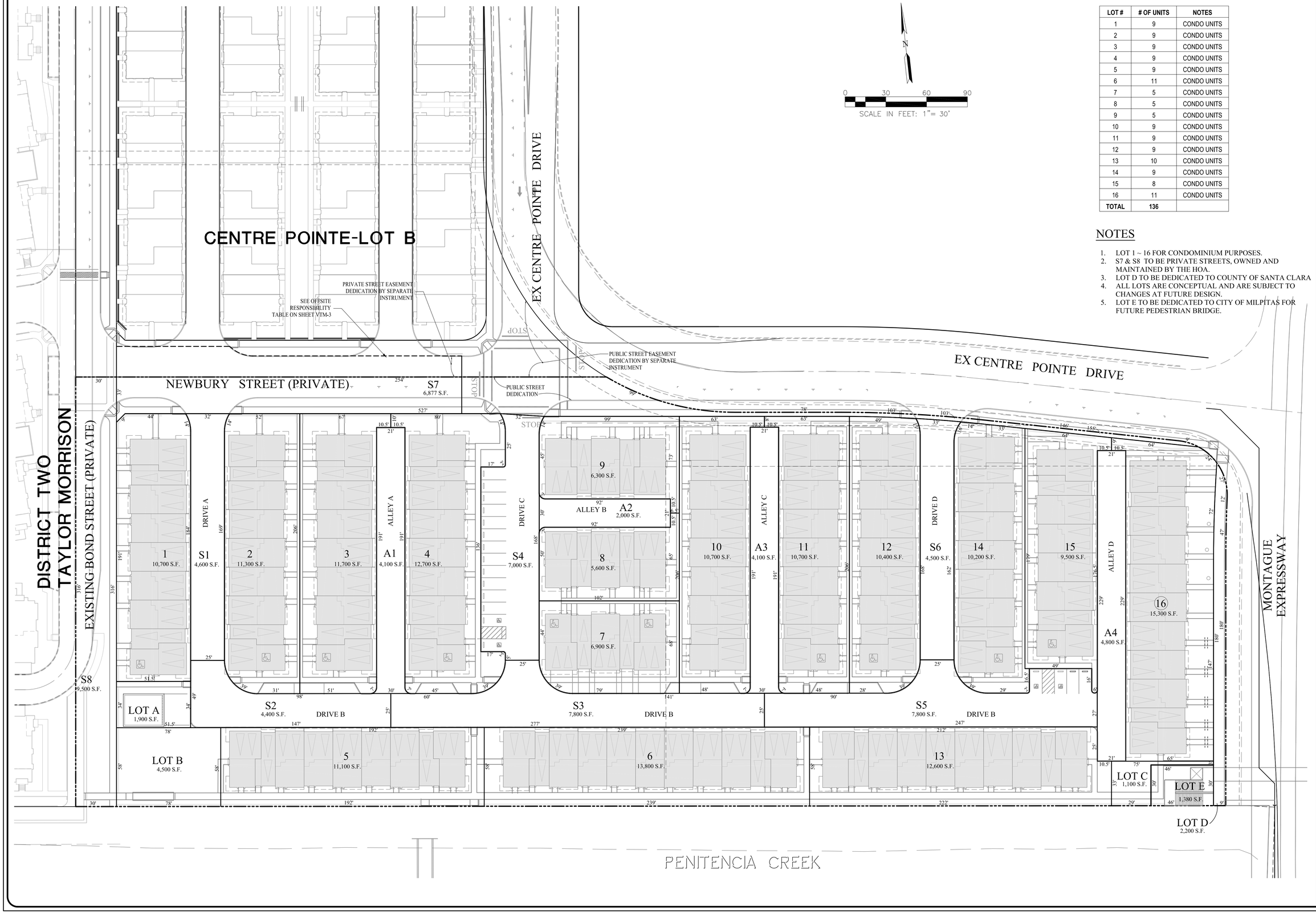

LOT #	# OF UNITS	NOTES
1	9	CONDO UNITS
2	9	CONDO UNITS
3	9	CONDO UNITS
4	9	CONDO UNITS
5	9	CONDO UNITS
6	11	CONDO UNITS
7	5	CONDO UNITS
8	5	CONDO UNITS
9	5	CONDO UNITS
10	9	CONDO UNITS
11	9	CONDO UNITS
12	9	CONDO UNITS
13	10	CONDO UNITS
14	9	CONDO UNITS
15	8	CONDO UNITS
16	11	CONDO UNITS
TOTAL	136	

NOTES

1. LOT 1 ~ 16 FOR CONDOMINIUM PURPOSES.
2. S7 & S8 TO BE PRIVATE STREETS, OWNED AND MAINTAINED BY THE HOA.
3. LOT D TO BE DEDICATED TO COUNTY OF SANTA CLARA
4. ALL LOTS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGES AT FUTURE DESIGN.
5. LOT E TO BE DEDICATED TO CITY OF MILPITAS FOR FUTURE PEDESTRIAN BRIDGE.

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VESTING TENTATIVE MAP
CONCEPTUAL LOTTING PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

SCALE

DATE
OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-7
OF 17 SHEETS

JOB NO.
122015

W: \JOBS 12\12015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-7 CONCEPTUAL LOTTING PLAN.DWG

NOTES:

1. GRADING, SURFACE IMPROVEMENTS, AND UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. ALL GRADES ARE BASED ON FINAL FLOOD STUDY BY SCHAAF AND WHEELER DATED OCTOBER 5, 2015.

NEWBURY STREET (PRIVATE)

CENTRE POINTE DRIVE (PUBLIC)

BOND STREET (PRIVATE)

STREET A

ALLEY A

STREET C

ALLEY B

ALLEY C

STREET D

ALLEY D

STREET B

MONTAGUE EXPRESSWAY

MULTI-USE TRAIL

PENITENCIA CREEK

TOP OF SLOPE

1 FF=36.6
2 FF=37.2
3 FF=37.5
4 FF=37.8
5 FF=37.6
6 FF=38.2
7 FF=37.8
8 FF=37.8
9 FF=37.8
10 FF=37.8
11 FF=38.1
12 FF=38.1
13 FF=39.2
14 FF=38.5
15 FF=39.4
16 FF=39.9

CURB CUT (TYP)

SD PUMP

2' RET WALL MAX

5.0' RET WALL MAX

STOP

N

0 30 60 90

SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
CONCEPTUAL GRADING PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

COR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	BY	CK	SHEET REVISIONS

SHEET
VTM-8
OF 17 SHEETS

JOB NO.
122015

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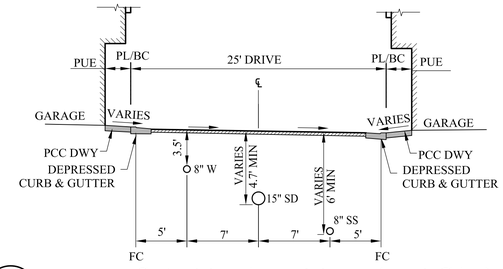
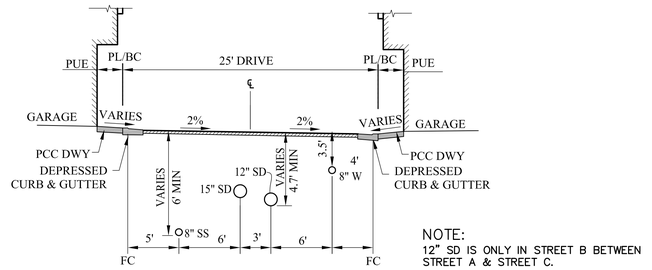


A — UTILITIES IN PRIVATE DRIVE (TYPICAL)

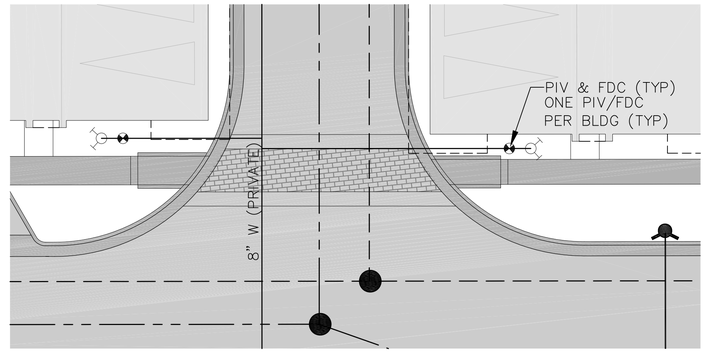
NO SCALE



NOTE:
12" SD IS ONLY IN STREET B BETWEEN STREET A & STREET C.

B — DRIVES UTILITY (TYPICAL)

NO SCALE



PIV & FDC TYPICAL DETAIL

1"=10'

1 NEW UTILITY CONNECTION

2 PUBLIC FIRE HYDRANT (ALL OTHERS ARE PRIVATE)

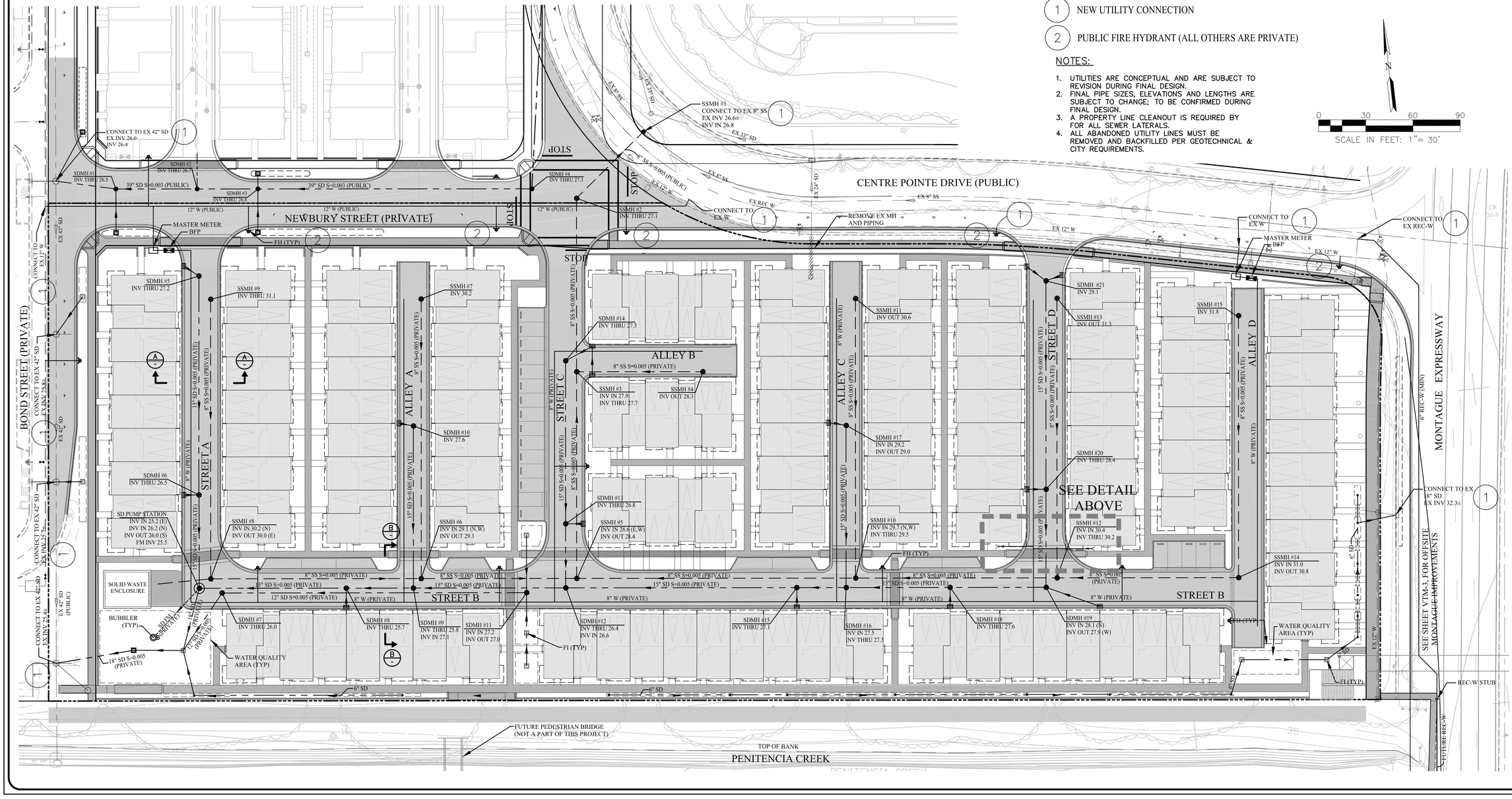
NOTES:

1. UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. FINAL PIPE SIZES, ELEVATIONS AND LENGTHS ARE SUBJECT TO CHANGE; TO BE CONFIRMED DURING FINAL DESIGN.
3. A PROPERTY LINE CLEANOUT IS REQUIRED BY FOR ALL SEWER LATERALS.
4. ALL ABANDONED UTILITY LINES MUST BE REMOVED AND BACKFILLED PER GEOTECHNICAL & CITY REQUIREMENTS.

N

0 30 60 90

SCALE IN FEET: 1"= 30'



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VESTING TENTATIVE MAP
CONCEPTUAL UTILITY PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

COR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK
SCALE 1"=30'		
DATE OCTOBER 5, 2015		

SHEET REVISIONS

SHEET
VTM-9
OF 17 SHEETS

JOB NO.
122015

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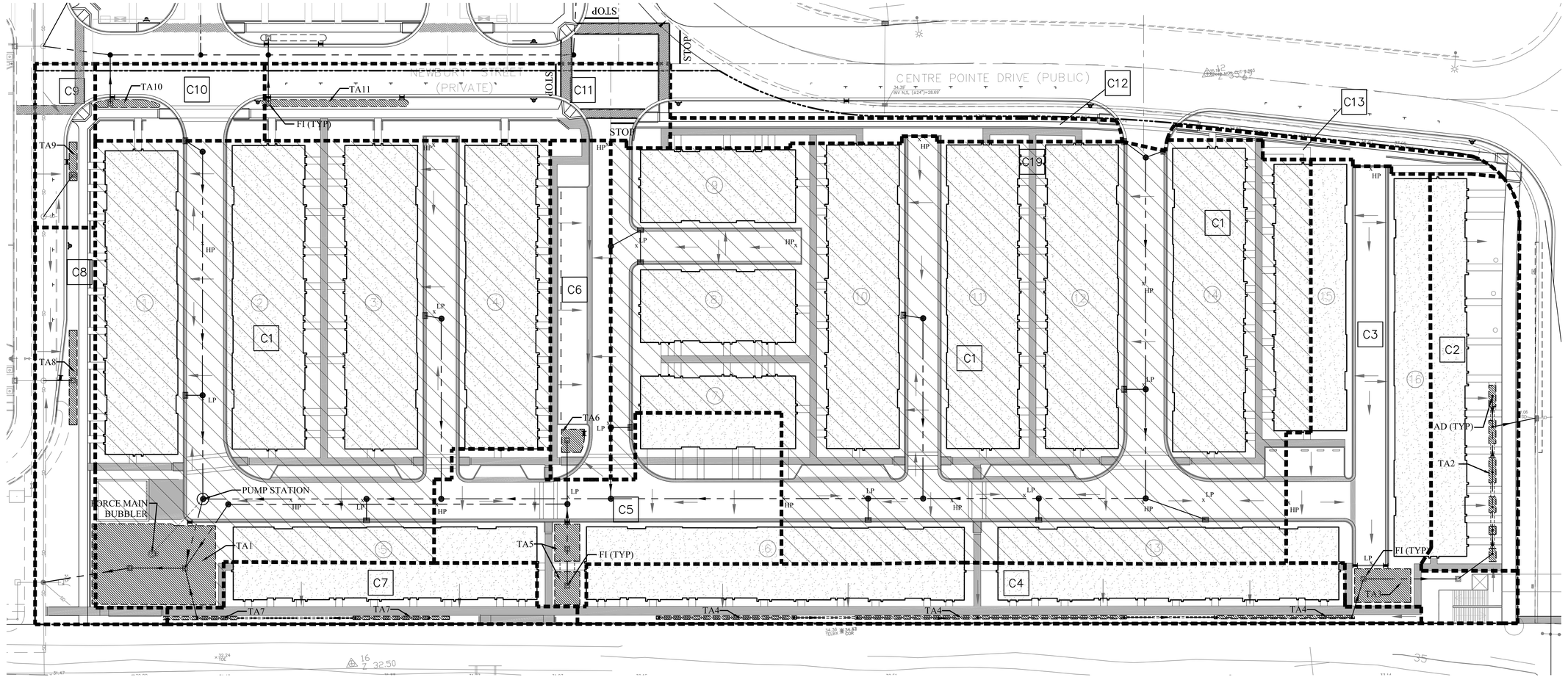
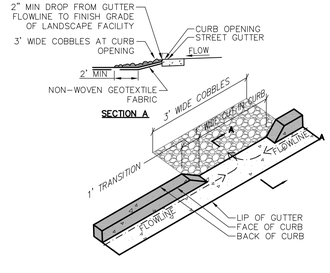
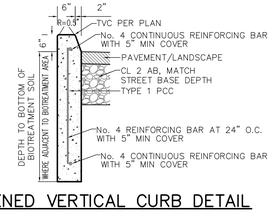




1 CURB CUT DETAIL
NO SCALE



2 DEEPENED VERTICAL CURB DETAIL
NO SCALE

LEGEND

- X — BUILDING NUMBER
- XX — DRAINAGE AREA NUMBER
- TA(X) — TREATMENT AREA NUMBER
- DRAINAGE AREA BOUNDARY
- BIOTREATMENT AREA
- CONCRETE/HARDSCAPE
- BUILDING ROOF AREA
- FM — STORM WATER FORCE MAIN
- D — STORM DRAIN SYSTEM
- HP — HIGH POINT
- LP — LOW POINT
- CP — CATCH POINT
- DIRECTION OF FLOWS
- STORM DRAIN MANHOLE
- STORM DRAIN INLET
- PUMP STATION
- BUBBLER
- AREA TRIBUTARY TO PUMP STATION
- CURB CUT

SEE SHEET VTM-11 FOR ENLARGED DETAILED VIEWS OF TREATMENT AREAS.

ALL PUMPS TO BE SIZED PER THEIR TREATMENT ARA AT FINAL DESIGN

STORM WATER MANAGEMENT NOTES:

1. THIS PROJECT IS LOCATED IN THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION. STORMWATER RUNOFF MANAGEMENT SHALL ADHERE TO PROVISION C.3 OF THE MUNICIPAL REGIONAL PERMIT ORDER RB2-2009-0074 ADOPTED OCTOBER 2009.
2. THIS STORM WATER RUNOFF MANAGEMENT PLAN IS CONCEPTUAL AND SUBJECT TO REVISION DURING FINAL DESIGN.
3. STORM WATER VOLUMETRIC BMP SIZING IS BASED ON THE 80% CAPTURE CURVE METHOD SET FORTH IN APPENDIX D OF THE CALIFORNIA STORM WATER BEST MANAGEMENT PRACTICES HANDBOOK FOR NEW DEVELOPMENT (2003), ADJUSTED FOR A LOCAL MEAN ANNUAL PRECIPITATION OF 15". A UNIT BASIN STORAGE FACTOR OF 0.56 IN WAS USED BASED ON AN 80% IMPERVIOUS COVERAGE.
4. AVAILABLE NRCS SOIL MAPS IDENTIFY SOILS IN THE PROJECT AREA AS TYPE 'D' SOILS WITH AN ESTIMATED SATURATED HYDRAULIC CONDUCTIVITY OF .06 IN/HR. DUE TO THE LOW INFILTRATION RATE OF THE SOILS, BIOTREATMENT AREAS WILL INCORPORATE THE USE OF A PERFORATED SUBDRAIN SYSTEM.
5. BMP AREA SIZING IS BASED ON THE COMBINATION FLOW/VOLUME SIZING CRITERIA DESCRIBED IN APPENDIX B OF THE SCVURPPP C.3 STORMWATER HANDBOOK, DATED APRIL 2013. SINCE THE BIOTREATMENT AREAS WILL BE DESIGNED WITH A SUBDRAIN, A DESIGN INFILTRATION RATE OF 5.0 IN/HR WAS USED BASED ON THE INFILTRATION RATE OF THE BIOTREATMENT SOIL MIX LAYER.
6. BASED ON FIG. 8-1 OF THE CITY OF MILPITAS STORM WATER C.3 GUIDEBOOK, THIS PROJECT IS NOT REQUIRED TO CREATE A HYDROGRAPH MODIFICATION MANAGEMENT PLAN BECAUSE THE PROJECT DOES NOT CREATE AN INCREASE IN IMPERVIOUS SURFACE OVER PRE-PROJECT CONDITIONS IN AN AREA THAT IS OVER 90% BUILT-OUT WITH GREATER THAN 65% IMPERVIOUS AREA. FLOOD CONTROL IS ALSO NOT REQUIRED, SINCE THE PROJECT REDUCES THE IMPERVIOUS COVERAGE FROM THE EXISTING CONDITION.

STORMWATER RUNOFF MANAGEMENT BMP CALCULATIONS

TRIBUTARY AREA ID	TRIBUTARY AREA (SF)	80% CAPTURE VOLUME (CF)	TREATMENT AREA NEEDED (SF)	TREATMENT AREA AVAILABLE (SF)	TREATMENT AREA ID
C1	147,100	6,522	2,953	3,220	TA1 (PUMP)
C2	11,300	501	229	245	TA2
C3	19,300	856	359	610	TA3
C4	15,300	678	93	570	TA4
C5	14,400	638	13	570	TA5
C6	6,700	297	152	165	TA6
C7	6,800	301	161	175	TA7
C8	8,200	364	195	240	TA8
C9	3,250	144	67	100	TA9
C10	4,300	191	60	145	TA10
C11	10,300	457	193	325	TA11
C12 & C13	SELF-TREATING AREA				

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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE 1"=30'
DATE OCTOBER 5, 2015

DATE	BY	CK

SHEET REVISIONS

SHEET VTM-10
OF 17 SHEETS
JOB NO. 122015

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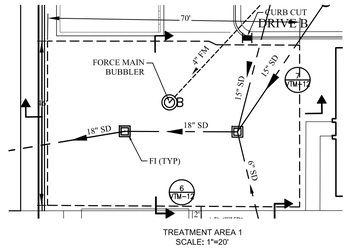
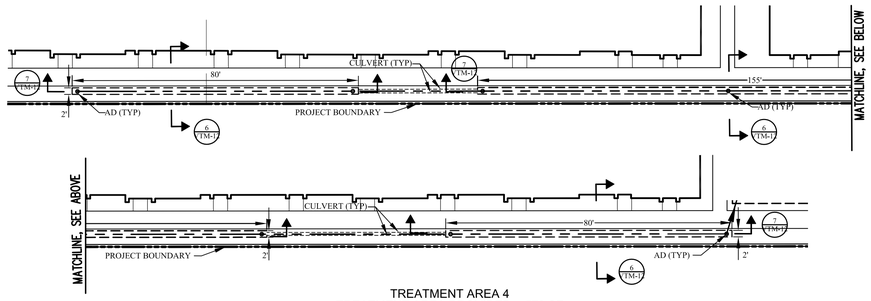
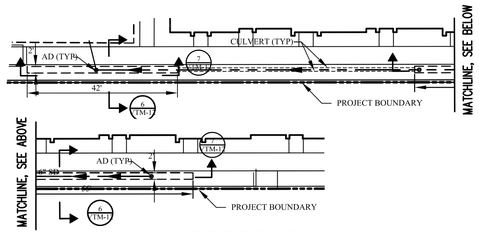


TREATMENT AREA 1
SCALE: 1"=20'

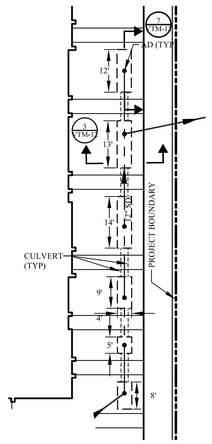
TREATMENT AREA 1
TREATMENT AREA PROVIDED = 3,200 SF
SCALE: 1"=20'



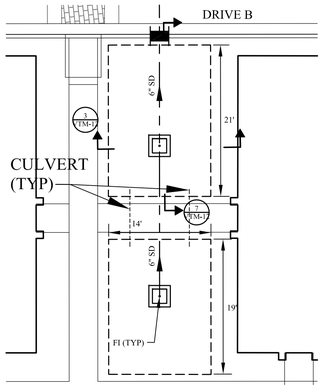
TREATMENT AREA 4
TREATMENT AREA PROVIDED = 570 SF
SCALE: 1"=20'



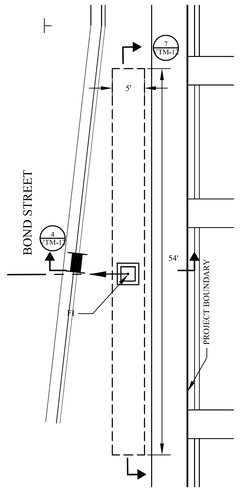
TREATMENT AREA 7
TREATMENT AREA PROVIDED = 175 SF
SCALE: 1"=20'



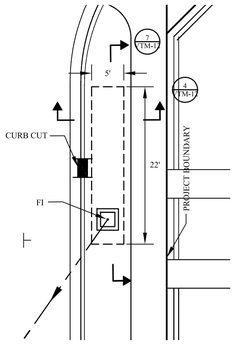
TREATMENT AREA 2
TREATMENT AREA PROVIDED = 245 SF
SCALE: 1"=20'



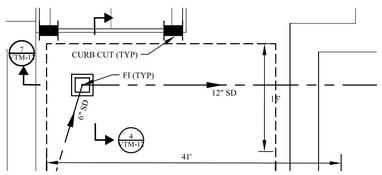
TREATMENT AREA 5
TREATMENT AREA PROVIDED = 570 SF
SCALE: 1"=10'



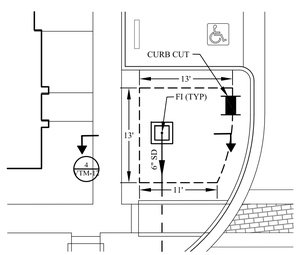
TREATMENT AREA 8
TREATMENT AREA PROVIDED = 240 SF
SCALE: 1"=10'



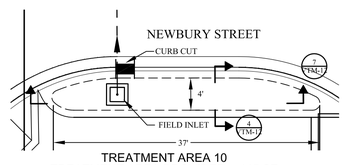
TREATMENT AREA 9
TREATMENT AREA PROVIDED = 100 SF
SCALE: 1"=10'



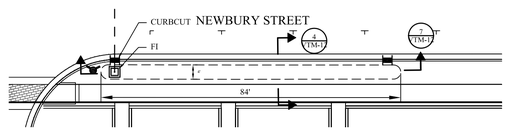
TREATMENT AREA 3
TREATMENT AREA PROVIDED = 610 SF
SCALE: 1"=10'



TREATMENT AREA 6
TREATMENT AREA PROVIDED = 165 SF
SCALE: 1"=10'



TREATMENT AREA 10
TREATMENT AREA PROVIDED = 145 SF
SCALE: 1"=10'



TREATMENT AREA 11
TREATMENT AREA PROVIDED = 325 SF
SCALE: 1"=20'

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VESTING TENTATIVE MAP
CONCEPTUAL TREATMENT AREA BLOWUPS
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

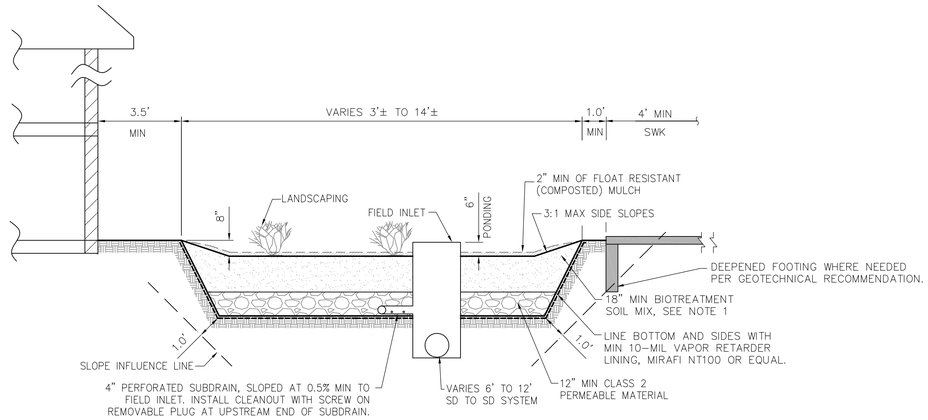
SCALE: NONE
DATE: OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-11
OF 17 SHEETS

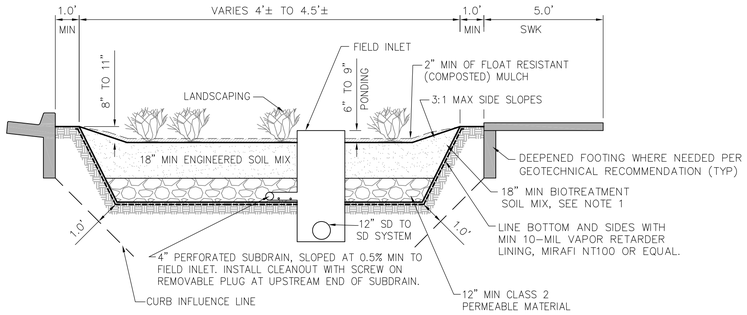
JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-11 CONCEPTUAL TREATMENT AREA BLOWUPS.DWG



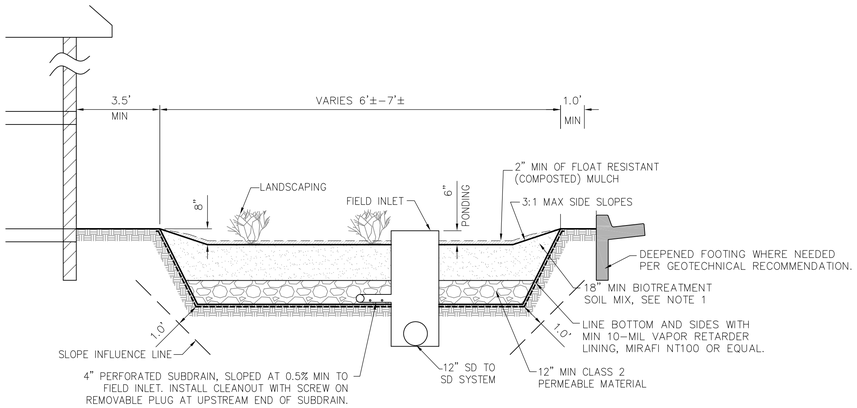
③ TREATMENT AREA DETAIL
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



④ TREATMENT AREA DETAIL
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



⑤ TREATMENT AREA DETAIL
NO SCALE

NOTES:
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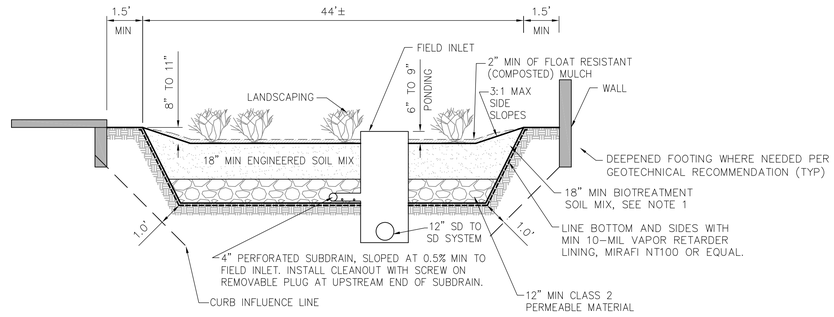

⑥ TREATMENT AREA DETAIL
NO SCALE

NOTES:
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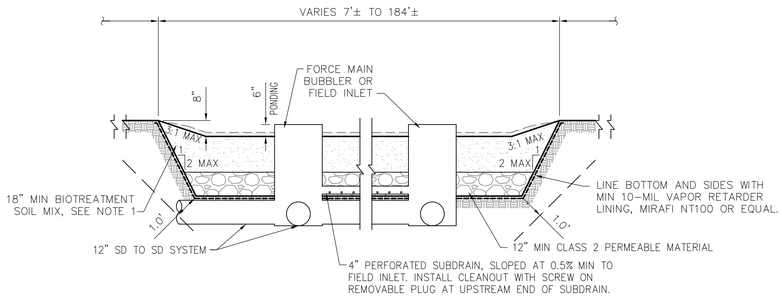
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



⑦ BIOSWALE LONGITUDINAL SECTION
NO SCALE

NOTES:
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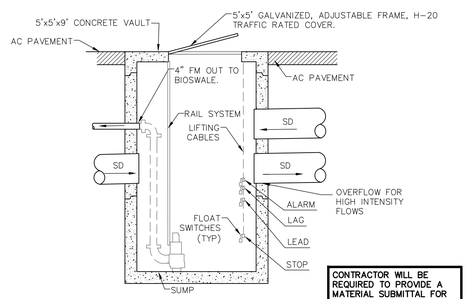
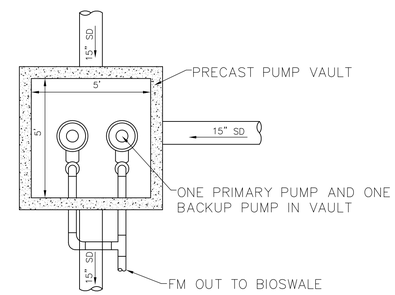
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



CONTRACTOR WILL BE REQUIRED TO PROVIDE A MATERIAL SUBMITTAL FOR REVIEW AND APPROVAL FOR ALL PUMP ASSEMBLY AND APPURTENANCES.

PUMP STATION DETAIL
NO SCALE

NOTES:
1. (2) MYERS MODEL 3V15M4-21 SUBMERSIBLE PUMP 1.5 HP, 230 V, 1 PH WITH 35' POWER AND SENSOR CABLES, 5.25" DIAMETER IMPELLER.
2. PUMP WILL BE SIZED FOR STORMWATER QUALITY LOW FLOW REQUIRED VOLUME.



PUMP STATION PLAN VIEW

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE (408) 848-3300 FAX (408) 848-3302

VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC

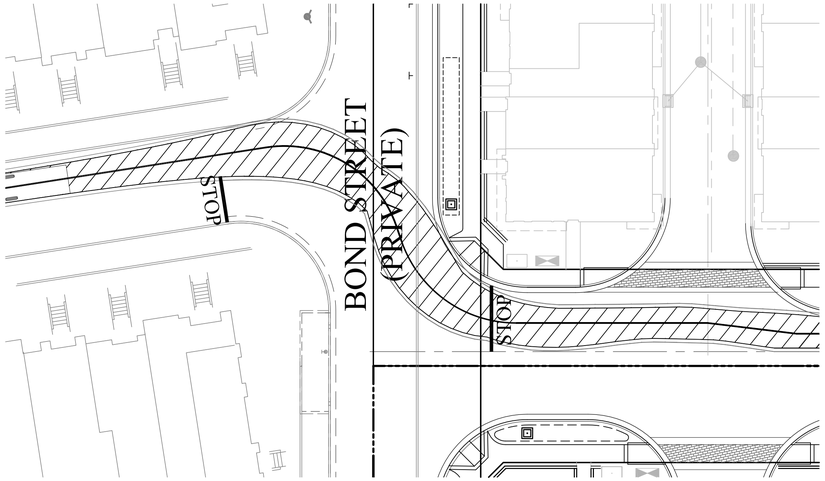
SCALE	DATE
	OCTOBER 5, 2015

DATE	BY	CK

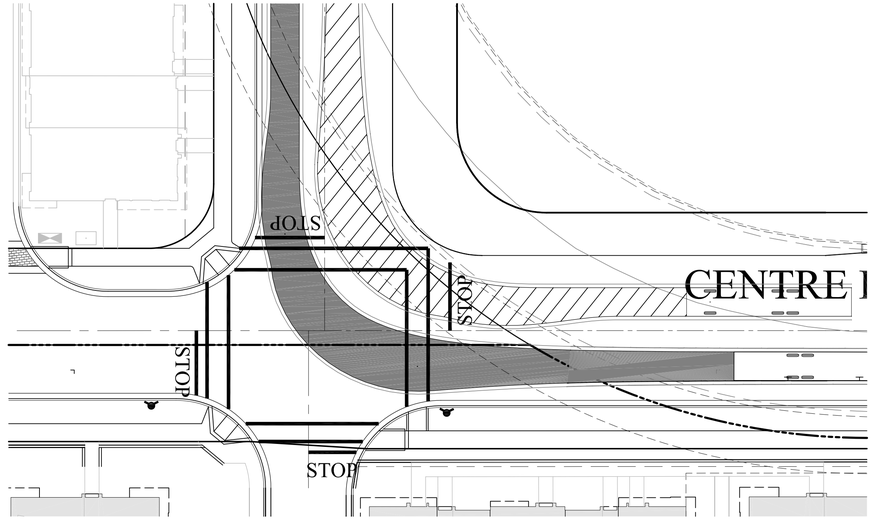
SHEET REVISIONS | MK

SHEET
VTM-12
OF 17 SHEETS
JOB NO.
122015

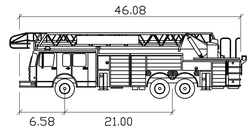
W:\JOBS 12\12015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-12 CONCEPTUAL STORMWATER CONTROL PLAN DETAILS.DWG



1 NEWBURY ST & BOND ST INTERSECTION
1"=20'



2 NEWBURY ST & CENTRE POINTE DRIVE INTERSECTION
1"=20'



MODEL SP95 feet

Width	: 8.00
Track	: 7.00
Lock to Lock Time	: 7.00
Steering Angle	: 33.60
Raddi: Inclusive of 24' Clearance	
Outside	: 48'-6"
Inside	: 28'-0"

LEGEND

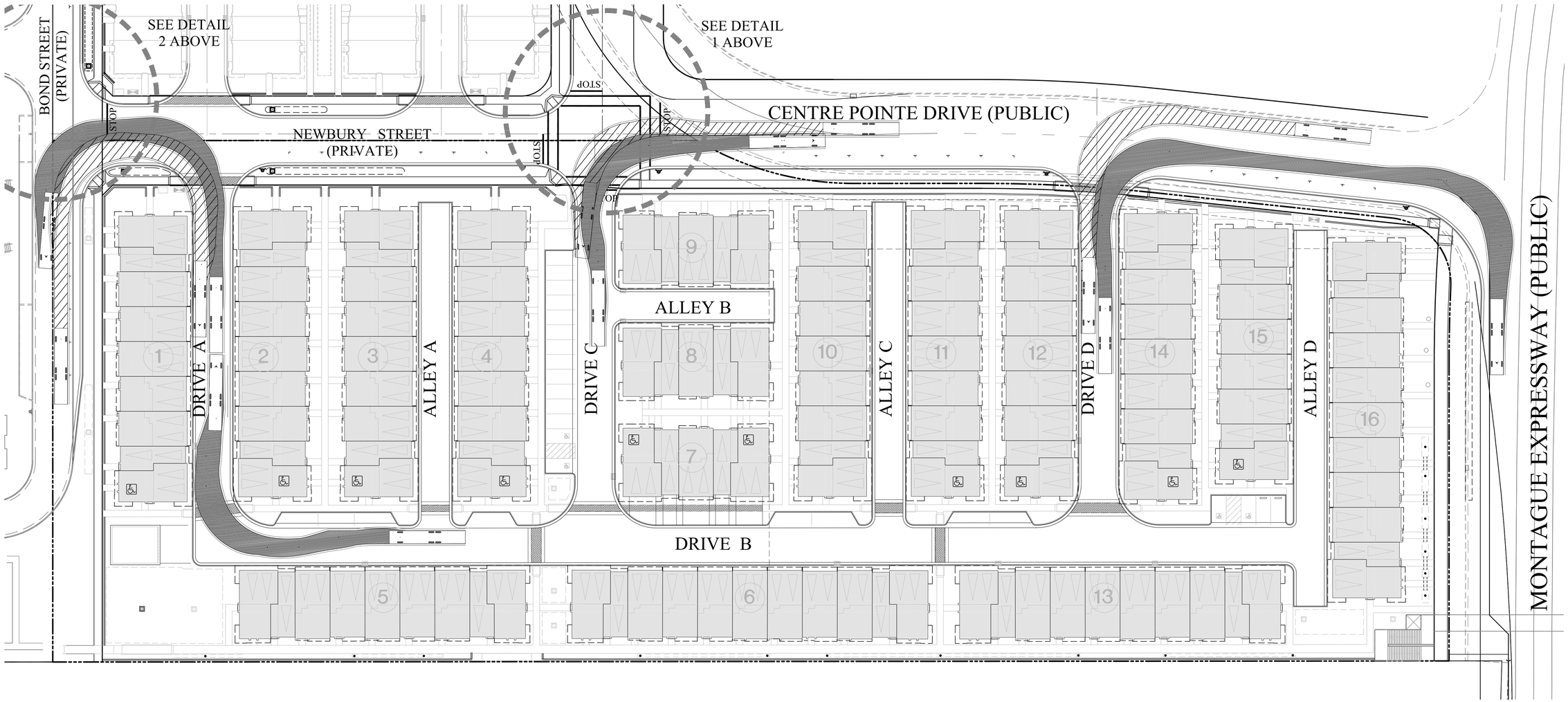
OUT MOVEMENTS

IN MOVEMENTS

N

0 30 60 90

SCALE IN FEET: 1"= 30'



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-3300 FAX: (408) 848-3302

VESTING TENTATIVE MAP
CONCEPTUAL EMERGENCY VEHICLE PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

DATE	BY	SHEET REVISIONS	BY	CK
	MK			

SCALE 1"=30'

DATE OCTOBER 5, 2015

SHEET
VTM-13
OF 17 SHEETS

JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-13 CONCEPTUAL EMERGENCY VEHICLE PLAN.DWG

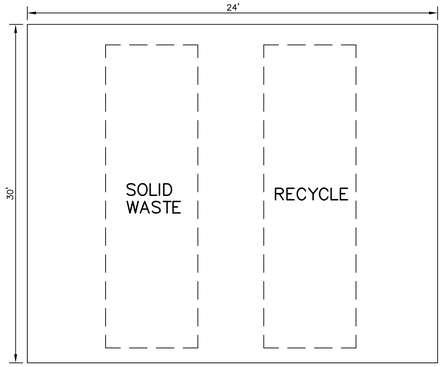
CENTRE POINTE LOT C

T

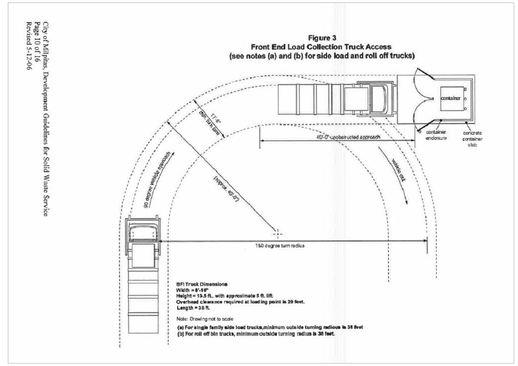
TRASH COLLECTION AREA.
TRASH COMPACTION AND PICKUP AREA.
HOA WILL PICK UP INDIVIDUAL UNITS TRASH AND RECYCLABLES AND TRANSPORT TO COMPACTORS. SOLID WASTE COMPANY WILL PICK UP SOLID WASTE AND RECYCLABLES FROM TRASH COLLECTION AREA. SEE SOLID WASTE AND RECYCLABLE WASTE CALCULATIONS AND MORE DETAILED DESCRIPTION IN SOLID WASTE REPORT (PART OF TENTATIVE MAP SUBMITTAL).

GENERAL NOTE:

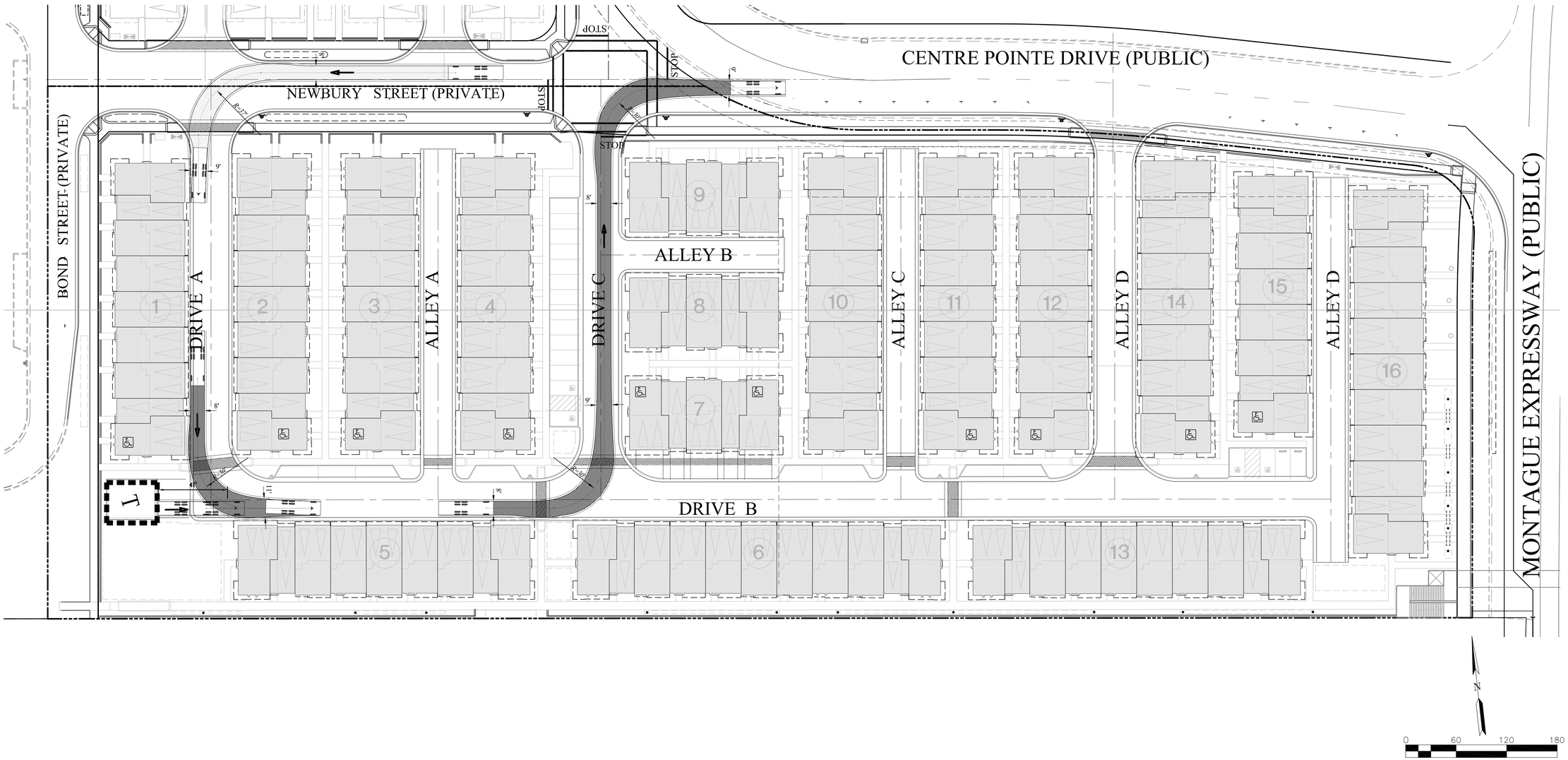
TRASH ENCLOSURES SHOWN ARE SUBJECT TO CHANGE AT THE TIME OF FINAL DESIGN.



CONCEPTUAL ENCLOSURE DETAIL



WASTE VEHICLE DETAIL



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 846-0300 FAX: (408) 846-0302

VESTING TENTATIVE MAP
CONCEPTUAL SOLID WASTE VEHICLE PLAN
CENTRE POINTE LOT C
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	BY	CK

SHEET REVISIONS

MK

SHEET
VTM-14
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT C\TENTATIVE MAP 2015\VTM-14 CONCEPTUAL SOLID WASTE VEHICLE PLAN.DWG

CENTRE POINTE NEIGHBORHOOD B

ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
2. STREETSCAPE ELEMENTS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO MATCH THE ADJACENT McCANDLESS DRIVE STREETSCAPE ELEMENTS FOR CONTINUITY WITHIN THE TASP AREA. ELEMENT LOCATIONS TO BE COORDINATED WITH THE CITY DURING FINAL PLAN CHECK APPROVALS.

PLANTING LEGEND

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL. - 18" OC	MEDIUM
	MARATHON IE	TURF	SOD - ROLLS	HIGH
	VINCA MAJOR 'ALBA'	WHITE PERIWINKLE	1 GAL. - 2' OC	MEDIUM
	VINCA MAJOR 'PURPLE'	PURPLE PERIWINKLE	1 GAL. - 2' OC	MEDIUM

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	FICUS PUMILA	CREEPING FIG	1 GAL. - STAKED	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GAL.	LOW
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	NANDINA DOMESTICA 'GULF STREAM'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
	PENNISETUM S. 'EATON CANYON'	PURPLE FOUNTAIN GRASS	5 GAL.	MEDIUM
	PHORMIUM TENAX 'ATROPUREUM'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'DUET'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'MAORI QUEEN'	NEW ZEALAND FLAX	15 GAL.	LOW
	PITTOSPORUM TOBIRA 'CREAM DE MINT'	DWARF VARIEGATED TOBIRA	5 GAL.	LOW
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED TOBIRA	15 GAL.	LOW
	PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	15 GAL.	MEDIUM
	RHAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIA HAWTHORN	5 GAL.	LOW
	ROSA 'ICEBERG'	WHITE ICEBERG ROSE	15 GAL.	MEDIUM
	VIBURNUM TINUS 'SPRING BOUQUET'	COMPACT LAURISTINUS	15 GAL.	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AGAPANTHUS AFRICANUS 'BLUE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	AGAPANTHUS AFRICANUS 'WHITE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	ASPARAGUS DENSIFLORUS 'MYERS'	MEYERS ASPARAGUS	5 GAL.	MEDIUM
	BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	24" BOX	MEDIUM
	BAMBUSA OLDHAMII	GIANT TIMBER BAMBOO	24" BOX	MEDIUM
	BUXUS M. JAPONICA 'WINTER GEM'	JAPANESE BOXWOOD	5 GAL.	MEDIUM
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL.	MEDIUM
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	MEDIUM
	DIETES BICOLOR	AFRICAN IRIS	15 GAL.	LOW
	DIETES VEGETA 'VARIEGATA'	VARIEGATED FORTNIGHT LILY	15 GAL.	LOW
	DODONAEA VISCOSA 'SARATOGA'	PURPLE HOPSEED BUSH	15 GAL.	LOW
	ESCALLONIA 'FRADESII'	ESCALLONIA	15 GAL.	MEDIUM
	GREWIA OCCIDENTALIS	GREWIA	15 GAL. COLUMNAR	MEDIUM
	HEMEROCALLIS 'DOUBLE ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
	HEMEROCALLIS 'LEMON YELLOW'	HEMEROCALLIS	5 GAL.	MEDIUM
	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	15 GAL.	MEDIUM
	LIRIOPE 'SUNPROOF'	LIRIOPE 'SUNPROOF'	5 GAL.	MEDIUM

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	EXISTING PLATANUS PROTECT IN PLACE	EXISTING PLATANUS PROTECT IN PLACE	N/A	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX MULTI	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM

CENTRE POINTE - NEIGHBORHOOD C

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

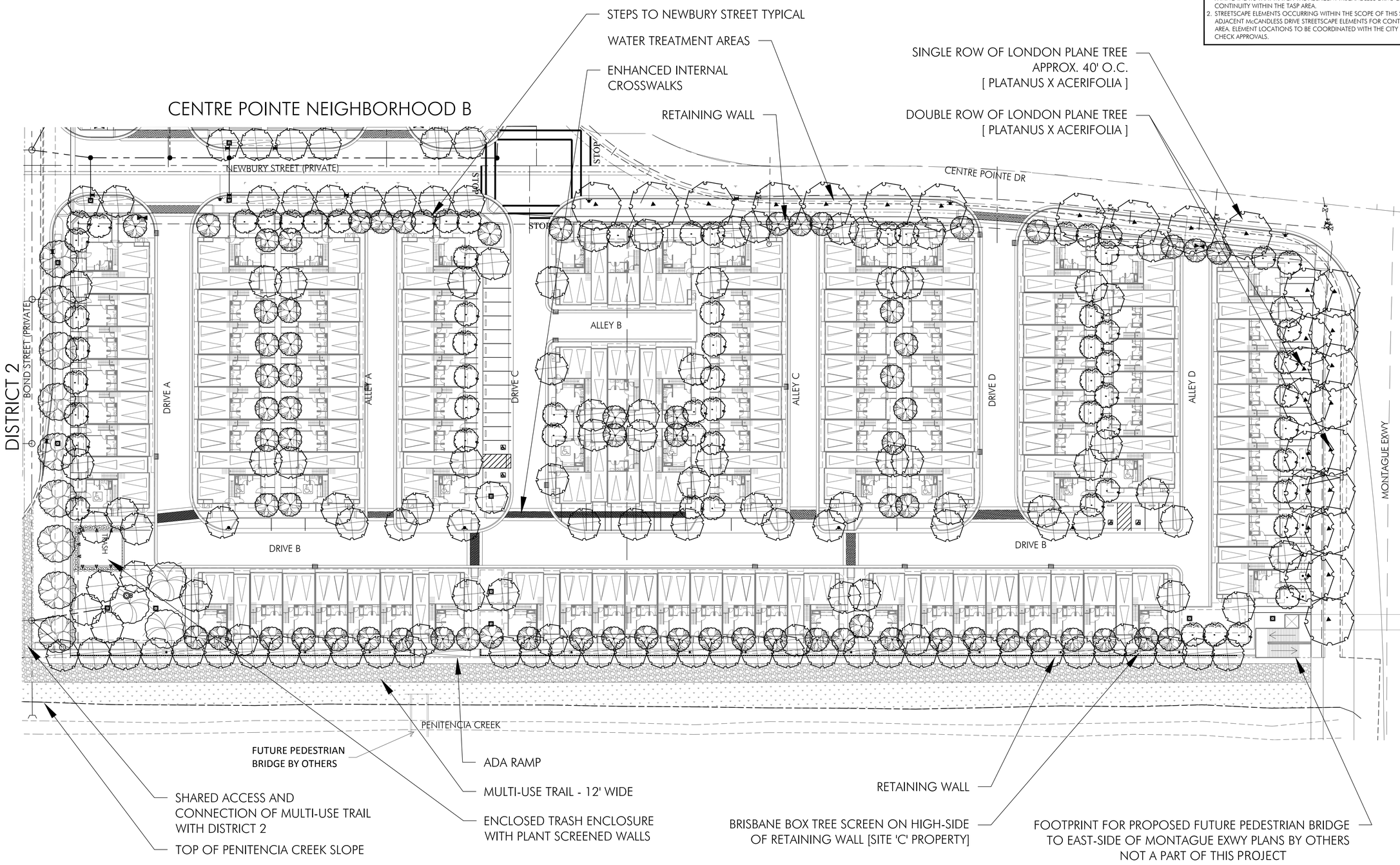
Conceptual Landscape Plan Neighborhood C

Entitlement Set
Sheet no.
C.L-01

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-Layouts-Neighborhoods_BC.dwg
DATE/TIME OF PLOT: 10/1/2015 3:36:08 PM

ADDITIONAL NOTES & PROJECT REQUIREMENTS

1. CROSSWALKS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO CONTAIN ENHANCED PAVING INLAYS THAT MATCH THE ADJACENT McCANDLESS DRIVE CROSSWALKS FOR CONTINUITY WITHIN THE TASP AREA.
2. STREETSCAPE ELEMENTS OCCURRING WITHIN THE SCOPE OF THIS SITE ARE TO MATCH THE ADJACENT McCANDLESS DRIVE STREETSCAPE ELEMENTS FOR CONTINUITY WITHIN THE TASP AREA. ELEMENT LOCATIONS TO BE COORDINATED WITH THE CITY DURING FINAL PLAN CHECK APPROVALS.



CENTRE POINTE - NEIGHBORHOOD C

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue • Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County • San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan
Neighborhood C

Entitlement Set
Sheet no.
C.L-02

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-layouts-Neighborhoods_BC.dwg
DATE/TIME OF PLOT: 10/1/2015 5:42:45 PM

ADDITIONAL NOTES & PROJECT REQUIREMENTS

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PUBLIC ART

CENTRE POINTE NEIGHBORHOOD B

NEWBURY STREET (PRIVATE)

STOP

STOP

STOP

CENTRE POINTE DR

DISTRICT 2

BOND STREET (PRIVATE)

DRIVE A

ALLEY A

DRIVE C

ALLEY B

ALLEY C

DRIVE D

ALLEY D

MONTAGUE EXWY

TRASH

DRIVE B

DRIVE B

PENITENCIA CREEK

PUBLIC ART

MURAL WALL TO SATISFY PUBLIC ART

PUBLIC ART

FILE NAME: S:\2013 Projects\13-079 Centre Pointe - Site B & C - Landscape\LANDSCAPE\Prelim\Pending Submittal\13-079-layouts-Neighborhoods_BC.dwg

DATE/TIME OF PLOT: 10/8/2015 7:45:57 AM

CENTRE POINTE - NEIGHBORHOOD C

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-079

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"

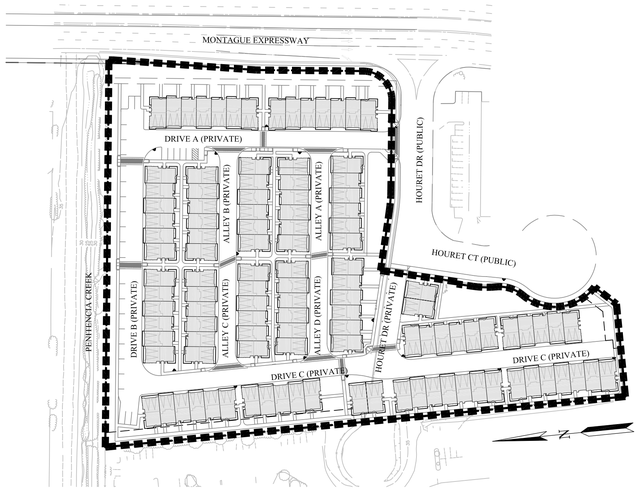
0 15 30 60 90

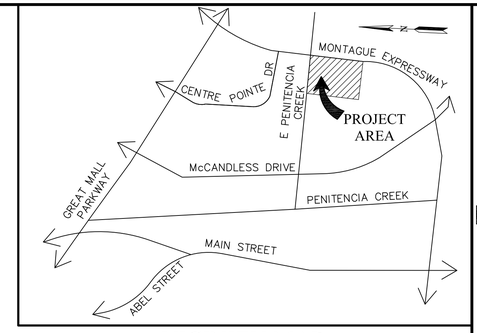
NORTH

POTENTIAL PUBLIC ART LOCATIONS

Entitlement Set
Sheet no.
C.L-03

VESTING TENTATIVE MAP
HOURET
MILPITAS, CALIFORNIA
P-MT15-0008





VICINITY MAP
NOT TO SCALE

RECORD OWNER:
HOURET PROJECT OWNER, LLC.
WILLIAM ISACKSON CO BRUCE ISACKSON
GRAY MICHELE M (TE)

APPLICANT/DEVELOPER:
LYON CAPITAL VENTURES, LLC.
4901 BIRCH STREET
NEWPORT BEACH, CA 92660
CONTACT: PETER ZAK
PETERZAK@LYON1.COM
(949) 633-7383

CIVIL ENGINEER:
RUGGERI-JENSEN-AZAR & ASSOCIATES
8055 CAMINO ARROYO
GILROY, CA 95020
CONTACT: JORGE DURAN, P.E., R.C.E. 59978
JDURAN@RJA-GPS.COM
408-848-0300

SITE DATA

1. PROPERTY ADDRESSES: 1757 HOURET COURT, MILPITAS, CA 95035
   271 HOURET DRIVE, MILPITAS, CA 95035
   247 HOURET DRIVE, MILPITAS, CA 95035
   231 HOURET DRIVE, MILPITAS, CA 95035
2. ASSESSOR PARCEL NUMBERS: 086-41-009
   086-41-032
   086-41-033
   086-41-034
3. TOTAL EXISTING PARCELS: 4
4. EXISTING LAND USE: COMMERCIAL/OFFICE BUILDING (VACANT)
5. PROPOSED LAND USE: HIGH-DENSITY TRANSIT ORIENTED RESIDENTIAL
6. EXISTING ZONING: MIXED USE VERY HIGH DENSITY (MXD3)
7. TOTAL GROSS AREA: 5.62 ± AC
8. TOTAL RESIDENTIAL UNITS: 114
9. GROSS DENSITY: 20.28 UNITS/AC
10. UTILITIES:

WATER:
- PUBLIC - MONTAGUE EXPRESSWAY, HOURET DRIVE, HOURET COURT
- PRIVATE - WITHIN RESIDENTIAL AREAS

RECYCLED WATER:
- PUBLIC - MONTAGUE EXPRESSWAY

SEWER:
- PUBLIC - MONTAGUE EXPRESSWAY, HOURET DRIVE, HOURET COURT
- PRIVATE - WITHIN RESIDENTIAL AREAS

STORM:
- PUBLIC - MONTAGUE EXPRESSWAY, HOURET DRIVE, HOURET COURT
- PRIVATE - WITHIN RESIDENTIAL AREAS

GAS & ELECTRIC
- PG&E

TELEPHONE
- AT&T

CABLE TELEVISION
- COMCAST

11. STREETS
    - HOURET DRIVE AND HOURET COURT ARE EXISTING PUBLIC STREETS.
12. THE PROJECT BENCHMARK IS THE SOUTHERLY DISK IN MONUMENT WELL AT THE INTERSECTION OF ABEL STREET AND CORNING AVENUE,
    ELEVATION = 17.124' NGVD29 (19.864' NAVD88)
    PROJECT ELEVATIONS ARE BASED ON NGVD29

    THE CALCULATED GRID BEARING OF N39°43'13"W OF THE LINE BETWEEN THE FOUND MONUMENT AT THE INTERSECTION OF MONTAGUE EXPRESSWAY WITH CENTRE POINTE DRIVE AND THE FOUND MONUMENT AT THE INTERSECTION OF SOUTH ABEL STREET WITH WEST CURTIS AVENUE WAS USED FOR THE BASIS OF BEARINGS FOR THIS MAP. THESE MONUMENTS ARE SHOWN AS POINT NUMBERS "1008" AND "1011" ON THAT RECORD OF SURVEY FILED JUNE 26, 1996 IN BOOK 678 OF MAPS, AT PAGES 10 THROUGH 13, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA. THE BEARING WAS CALCULATED FROM THE COORDINATE VALUES FROM EPOCH 1986 SHOWN ON SHEET 4 OF 4 OF THAT SURVEY.

    THE VALUES OF POINTS "1008" AND "1011" ARE AS FOLLOWS:

	NORTHING	EASTING
"1008"	1974285.72	6156434.98
"1011"	1977865.34	6153460.98

13. PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 06085C0067J, DATED FEBRUARY 19, 2014, THE PROJECT SITE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE, ZONE AO. ZONE AO IS DEFINED AS "FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW I SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED, FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED."
14. THE EXISTING TOPOGRAPHY IS BASED ON AN AERIAL SURVEY RECEIVED FROM RADMAN AERIAL, DATED APRIL 14, 2013; THE CONTOURS SHOWN ON THIS PLAN REPRESENT GROUND ELEVATIONS., AS DETERMINED AT THE TIME OF SAID SURVEY. EXISTING SURFACE IMPROVEMENTS DEPICTED ON THE TOPOGRAPHIC MAP MAY DIFFER FROM CURRENT SITE CONDITIONS AS CONSTRUCTION ACTIVITIES ON THE SITE ARE ON-GOING.

GENERAL NOTES

1. THERE ARE NO EXISTING KNOWN WELLS ON SITE.
2. STREET LIGHTS ON PUBLIC STREETS WILL BE CONSTRUCTED TO CITY STANDARDS AND DEDICATED TO THE CITY.
3. STREET LIGHTS ON PRIVATE DRIVES WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
4. PROPOSED GRADES, IMPROVEMENTS, AND UTILITIES AS SHOWN ARE CONCEPTUAL. FINISH GRADING, IMPROVEMENTS, AND UTILITIES ARE SUBJECT TO FINAL DESIGN, SUBJECT TO SITE SPECIFIC FLOOD STUDY, AND MAY VARY AT FINAL DESIGN.
5. PROPOSED PIPE SIZES AND LENGTHS TO BE CONFIRMED DURING IMPROVEMENT PLAN PREPARATION.
6. ALL GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS AND CONDITIONS OF THE GEOTECHNICAL ENGINEER AND SUPPLEMENTAL REPORTS REGARDING THIS PROJECT.
7. ALL EROSION CONTROL MEASURES SHALL BE DONE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF MILPITAS.
8. COMMON OPEN SPACE PARCELS AND PRIVATE DRIVE PARCELS MAY BE SPLIT INTO ADDITIONAL PARCELS AS PART OF FINAL MAP AND BASED ON FINAL CONSTRUCTION PHASING.
9. RETAINING WALLS: ALL WALLS WILL BE PRIVATE FACILITIES & MAINTAINED BY HOMEOWNERS' ASSOCIATION. ALL WALL HEIGHTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE AT FINAL DESIGN.
10. ALL LANDSCAPING & COMMON AREAS WITHIN PRIVATE DEVELOPMENT ARE PRIVATELY OWNED & MAINTAINED BY HOMEOWNERS' ASSOCIATION.
11. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS VESTING TENTATIVE MAP.
12. A CONDO MAP(S) MAY BE FILED ON LOTS 1 - 17.
13. LOT NUMBERS SHOWN ARE FOR IDENTIFICATION PURPOSES ONLY AND ARE NOT INTENDED TO BE FINAL.

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	CATCH BASIN	
	ELECTRIC	
	ELECTROLIER	
	CENTERLINE	
	EASEMENT	
	SITE	
	FIRE HYDRANT	
2%	FLOW DIRECTION	
1	LOT NUMBER	
	LOT LINE	
	MANHOLE	
	PROJECT BOUNDARY	
SS	SANITARY SEWER	
36.6	SPOT GRADE	36.6
SD	STORM DRAIN	
W	WATER	
	LIMIT OF BUILDING AT GROUND LEVEL	
	SD BUBBLER	

ABBREVIATIONS

AC	ACRES
APN	ASSESSOR'S PARCEL NUMBER
BC	BACK OF CURB
BFE	BASE FLOOD ELEVATION
BNDY	BOUNDARY
CB	STORM DRAIN CATCH BASIN
CL or C	CENTERLINE
DWY	DRIVEWAY
ELECT	ELECTROLIER
ESMT	EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FDC	FIRE DEPARTMENT CONNECTION
FOC	FACE OF CURB
FFU	FINISHED FLOOR GROUND LEVEL
FG	FINISHED GRADE
FH	FIRE HYDRANT
GB	GRADE BREAK
HP	HIGH POINT
LA	LANDSCAPE PLANS
LP	LOW POINT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
PD	PROJECT DRIVEWAY
PIV	POST INDICATOR VALVE
PIWE	PRIVATE IRRIGATION WATERLINE EASEMENT
PL	PROPERTY LINE
PP	POWER POLE
PRUE	PRIVATE UTILITY EASEMENT
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R/W	RIGHT OF WAY
RW	RECYCLED WATER
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SLD	SEE LANDSCAPE DRAWINGS
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SWK	SIDEWALK
LS	LANDSCAPE
C&G	CURB & GUTTER

TABLE OF CONTENTS

SHEET NUMBER	SHEET TITLE
VTM-1	TITLE SHEET
VTM-2	EXISTING SITE PLAN
VTM-3	SITE PLAN
VTM-4	STREET SECTIONS
VTM-5	STREET SECTIONS
VTM-6	CONCEPTUAL LOTTING PLAN
VTM-7	CONCEPTUAL GRADING PLAN
VTM-8	CONCEPTUAL UTILITY PLAN
VTM-9	CONCEPTUAL STORMWATER CONTROL PLAN
VTM-10	CONCEPTUAL TREATMENT AREA BLOWUPS
VTM-11	CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
VTM-12	CONCEPTUAL EMERGENCY VEHICLE PLAN
VTM-13	CONCEPTUAL SOLID WASTE VEHICLE PLAN
H.L-01	CONCEPTUAL LANDSCAPE ILLUSTRATIVE WITH PLAN PALETTE
H.L-02	CONCEPTUAL LANDSCAPE PLAN
H.L-03	POTENTIAL PUBLIC ART LOCATIONS

SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

City Engineer Date

Recommended for Approval by the Milpitas Planning Commission, this _____ day of _____ 20_____ , and Approved by the Milpitas City Council this _____ day of _____ 20 _____.

Planning & Neighborhood Services Director Date

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VESTING TENTATIVE MAP
TITLE SHEET
HOURET
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

SCALE	DATE
NONE	OCTOBER 5, 2015

DATE	BY	CK

SHEET REVISIONS

SHEET
VTM-1
OF 16 SHEETS

JOB NO.
132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-1 TITLE SHEET.dwg

MONTAGUE EXPRESSWAY

EX FC

EX LOTLINE

N09°43'04"E 200.41'

10' PSUE

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

EX CONC. CURB (TYP)

15' PSUE

EX R/W

EX PARKING LOT

LOT 1
(417-M-3)
086-41-032

EX BUILDING
18,500 ± SF
TO BE REMOVED

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

EX CURB & GUTTER TO BE REMOVED AND REPLACED

N83°42'35"W 233.41'(T)

EX R/W

EX FC

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

EX LOT LINE

N83°42'35"W 126.40'(T)

EX CL

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

EX TREE CANOPY (TYP)

EX FC

EX BUILDING
21,700 ± SF
TO BE REMOVED

LOT 2
(417-M-3)
086-41-033

N83°45'53"W 1573.62'(T)

PENITENCIA CREEK

HOURET COURT

24'

24'

EX CL

EX CURB & GUTTER TO BE REMOVED AND REPLACED

10.5' PSUE

EX LOT LINE

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

50' PG&E EASEMENT (8788-OR-512)

EX BUILDING
17,700 ± SF
TO BE REMOVED

LOT 3
(417-M-3)
086-41-034

N75°36'45"W 239.80'

EX CURB & GUTTER TO BE REMOVED AND REPLACED

EX CL

HOURET DRIVE

EX FC

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

24'

24'

EX FC

EX CONCRETE CURB (TYP)

EX BUILDING
17,000 ± SF
TO BE REMOVED

LOT 4
(417-M-3)
086-41-009

EX PARKING LOT & SITE IMPROVEMENTS TO BE REMOVED

S68°41'16"E 32.96'

15' PSUE

N00°08'30"E 349.11'

EX LOT LINE

10' PSUE

10' PSUE

EX R/W

0 30 60 90

SCALE IN FEET: 1"= 30

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-2 EXISTING SITE PLAN.dwg

RJA

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VESTING TENTATIVE MAP
EXISTING SITE PLAN
HOURET

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-2
OF 16 SHEETS

JOB NO.
132020

MONTAGUE EXPRESSWAY

HOURET DRIVE (PUBLIC)

HOURET COURT (PUBLIC)

CENTRE POINTE LOT C

PENITENCIA CREEK

DRIVE A (PRIVATE)

DRIVE B (PRIVATE)

DRIVE C (PRIVATE)

DRIVE D (PRIVATE)

DRIVE E (PRIVATE)

HOURET DRIVE (PRIVATE)

NOTES:

1. IMPROVEMENTS BY COUNTY
2. IMPROVEMENTS BY PROJECT
3. TEMP SIDEWALK ON EX E. PENITENCIA CULVERT BY PROJECT.

● ● ACCESSIBLE PATH OF TRAVEL

1. INTENTIONALLY LEFT BLANK
2. 26' MIN REQUIRED BETWEEN THE MOST REMOTE BUILDING PROJECTION (FACE OF RAIN WATER GUTTER TO GUTTER)
3. ALL CROSSWALKS TO BE DECORATIVE PAVEMENT

AREA TO BE VACATED BY CITY OF MILPITAS IN FAVOR OF THE HOURET PROJECT ±14,575 SF

AREA TO BE VACATED BY CITY OF MILPITAS IN FAVOR OF THE MILPITAS SCHOOL DISTRICT ±7300 SF BY SEPARATE INSTRUMENT.

CITY RIGHT OF WAY TO BE ABANDONED

1"=40'

EXISTING HOURET CUL-DE-SAC AREA TO BE VACATED BY CITY OF MILPITAS SEE DETAIL THIS SHEET

0 30 60 90

SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
SITE PLAN
HOURET

MILPITAS, CALIFORNIA

COR: LYON CAPITAL VENTURES, LLC

DATE	BY	SHEET REVISIONS	BY	CK

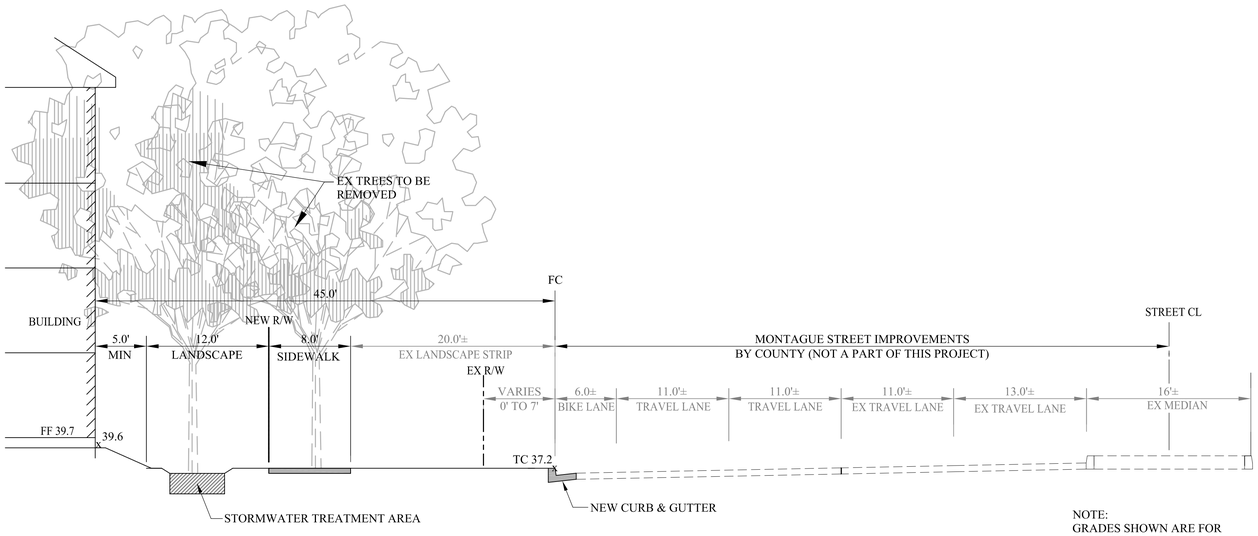
SCALE 1"=30'

DATE OCTOBER 5, 2015

SHEET
VTM-3
OF 16 SHEETS

JOB NO. 132020

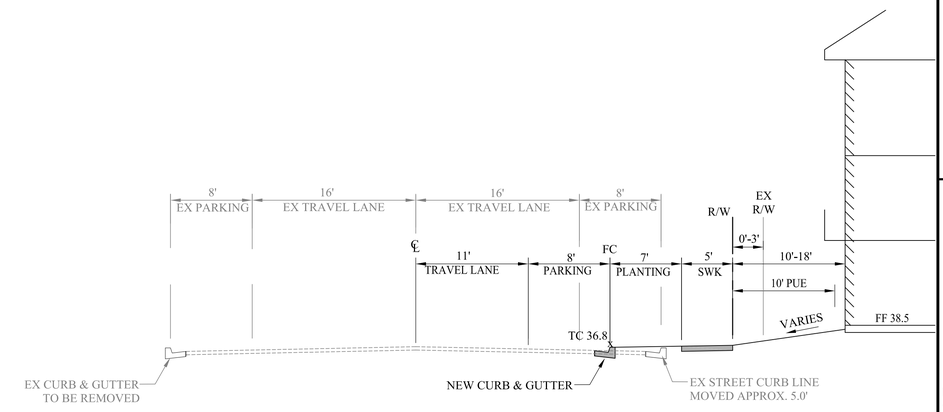
PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-3 SITE PLAN.dwg



NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

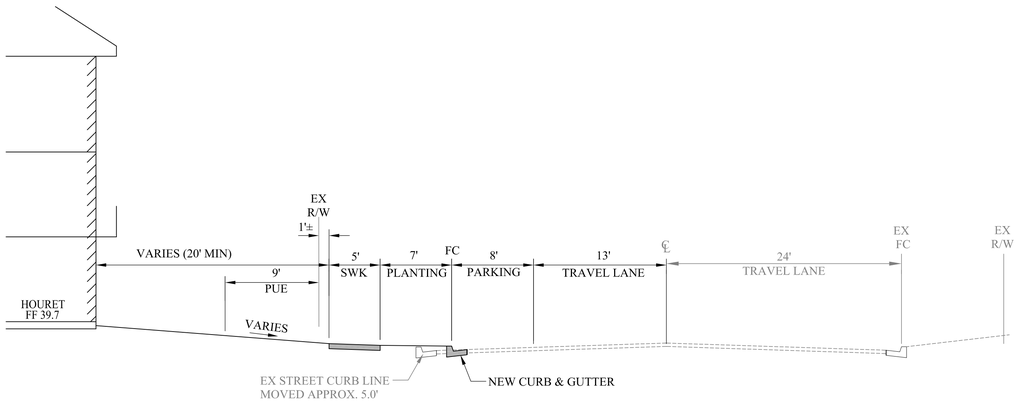
1 / - MONTAGUE EXPRESSWAY
NO SCALE

(IMPROVEMENTS FOR MONTAGUE EXPRESSWAY BY SANTA CLARA COUNTY)



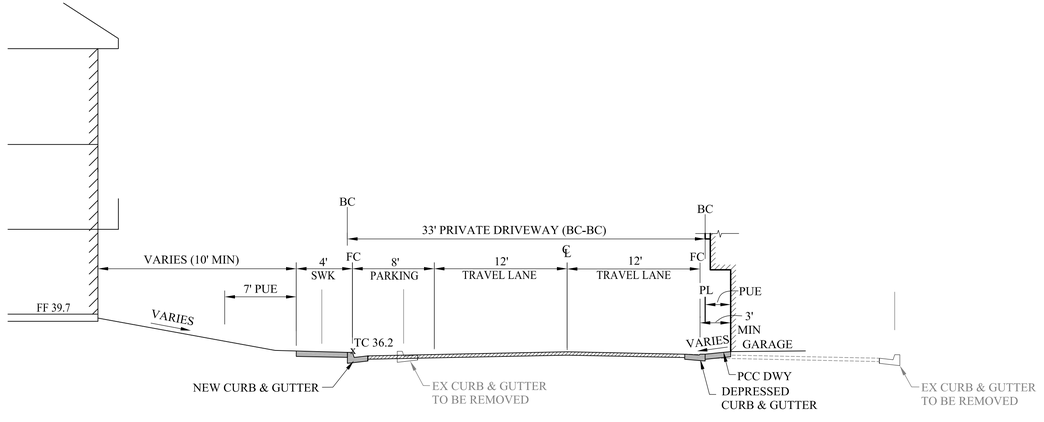
NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

3.1 / - HOURET COURT (PUBLIC)
NO SCALE



NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

2 / - HOURET DRIVE (PUBLIC)
NO SCALE



NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

3 / - HOURET DRIVE (PRIVATE)
NO SCALE

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VESTING TENTATIVE MAP
STREET SECTIONS
HOURET
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

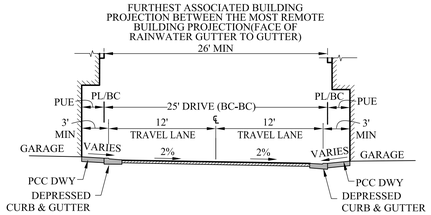
SCALE	DATE
NO SCALE	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

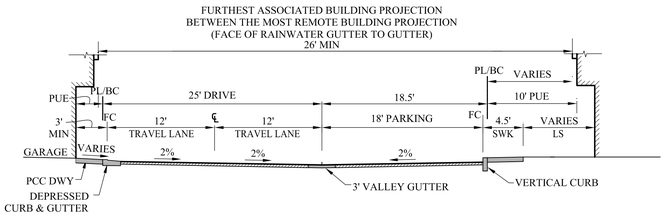
SHEET
VTM-4
OF 16 SHEETS

JOB NO.
132020

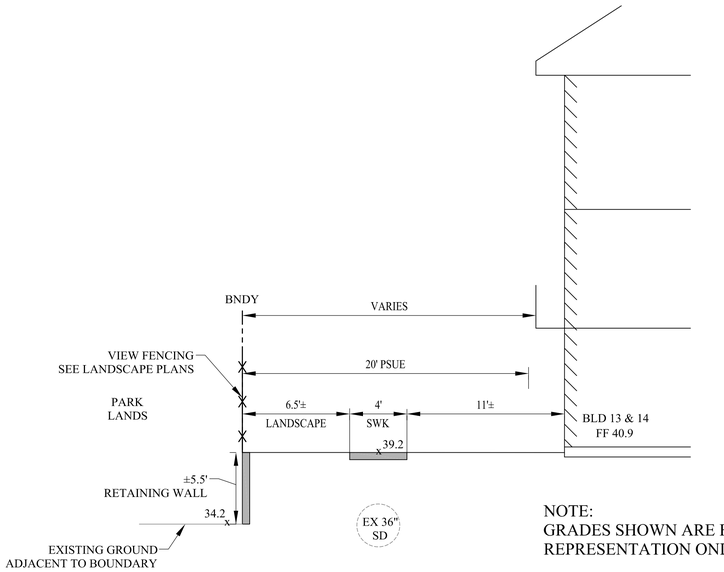
PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-4 STREET SECTIONS.dwg



4 / - PRIVATE DRIVES (TYPICAL)
NO SCALE

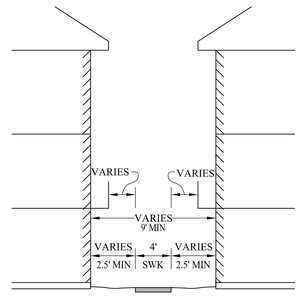


5 / - DRIVE WITH PERPENDICULAR PARKING (PRIVATE)
NO SCALE

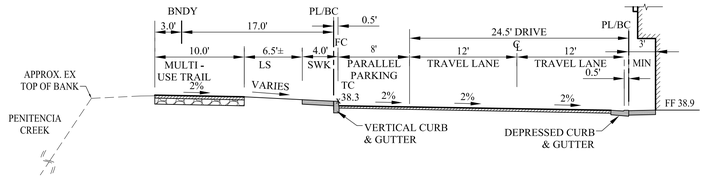


NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.

8 / - WEST BOUNDARY CONFORM-BLD 13, 14
NO SCALE

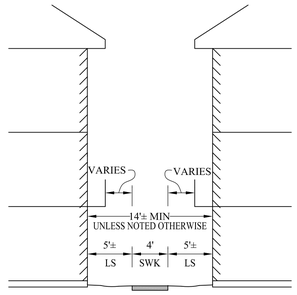


10 / - PASEO (TYPICAL)
NO SCALE



6 / - PRIVATE DRIVE WITH PARALLEL PARKING (TYPICAL)
NO SCALE

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.



7 / - PASEO (TYPICAL)
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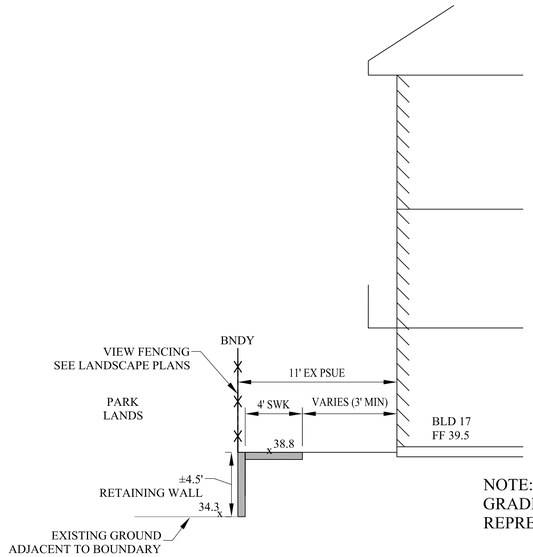

NOTE:
GRADES SHOWN ARE FOR
REPRESENTATION ONLY.

9 / - WEST BOUNDARY CONFORM-BLD 17, 18
NO SCALE

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VESTING TENTATIVE MAP
STREET SECTIONS
HOURET
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
NO SCALE	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-5
OF 16 SHEETS
JOB NO.
132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-5 STREET SECTIONS.dwg

MONTAGUE CL
13' TRAVEL
11' TRAVEL
11' TRAVEL
11' TRAVEL
MONTAGUE EXPRESSWAY

LOT A
(PUBLIC STREET DEDICATION)
9,300 S.F.

CENTRE POINTE LOT C

LOT B
(HOA MAINTAINED OPEN SPACE)
10,000 S.F.

PENTENCIA CREEK

DRIVE A (PRIVATE)
DRIVE B (PRIVATE)
DRIVE C (PRIVATE)
DRIVE D (PRIVATE)
DRIVE E (PRIVATE)
HOURET DR (PRIVATE)
DRIVE C (PRIVATE)

EX. HOURET DR (PUBLIC)
EX. HOURET CT (PUBLIC)

LOT D
(HOA MAINTAINED SOLID WASTE STAGING & OPEN SPACE)
3,200 S.F.

LOT C
(HOA MAINTAINED OPEN SPACE)
3,800 S.F.

S1 9,900 S.F.
S2 15,500 S.F.
S3 8,200 S.F.
S4 7,700 S.F.
S5 7,400 S.F.
S6 4,900 S.F.
S7 7,900 S.F.

1 10,900 S.F.
2 11,300 S.F.
3 8,100 S.F.
4 8,100 S.F.
5 8,200 S.F.
6 8,000 S.F.
7 7,900 S.F.
8 7,700 S.F.
9 7,900 S.F.
10 7,800 S.F.
11 12,300 S.F.
12 10,000 S.F.
13 9,800 S.F.
14 9,800 S.F.
15 7,000 S.F.
16 7,800 S.F.
17 9,400 S.F.
18 9,000 S.F.
19 3,200 S.F.
20 3,900 S.F.

20' EVAE

LOT #	# OF UNITS	NOTES
1	7	CONDO UNITS
2	7	CONDO UNITS
3	6	CONDO UNITS
4	6	CONDO UNITS
5	6	CONDO UNITS
6	6	CONDO UNITS
7	6	CONDO UNITS
8	6	CONDO UNITS
9	6	CONDO UNITS
10	6	CONDO UNITS
11	6	CONDO UNITS
12	6	CONDO UNITS
13	6	CONDO UNITS
14	5	CONDO UNITS
15	6	CONDO UNITS
16	5	CONDO UNITS
17	7	CONDO UNITS
18	7	CONDO UNITS
19	2	CONDO UNITS
20	2	CONDO UNITS
TOTAL	114	

NOTES

1. LOT 1 ~ 20 FOR CONDOMINIUM PURPOSES.
2. LOT A TO BE DEDICATED TO COUNTY OF SANTA CLARA
3. ALL LOTS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGES AT FUTURE DESIGN.

0 30 60 90
SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
CONCEPTUAL LOTTING PLAN
HOURET
MILPITAS, CALIFORNIA

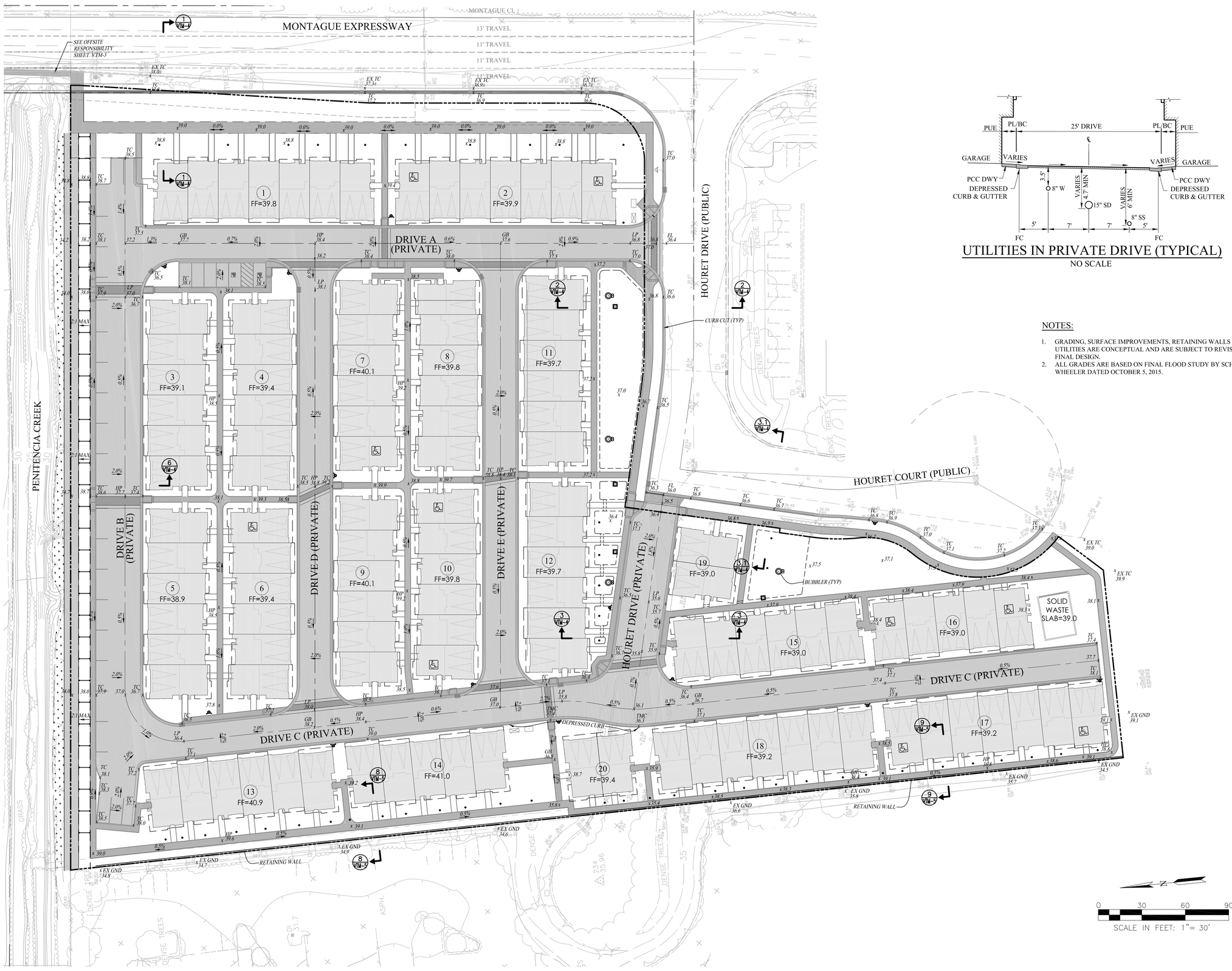
FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=30'	OCTOBER 9, 2015

DATE	BY	CK
SHEET REVISIONS		

SHEET
VTM-6
OF 16 SHEETS
JOB NO. 132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-6 CONCEPTUAL LOTTING PLAN.dwg



UTILITIES IN PRIVATE DRIVE (TYPICAL)

NO SCALE

NOTES:

1. GRADING, SURFACE IMPROVEMENTS, RETAINING WALLS AND UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. ALL GRADES ARE BASED ON FINAL FLOOD STUDY BY SCHAAF AND WHEELER DATED OCTOBER 5, 2015.

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VESTING TENTATIVE MAP
CONCEPTUAL GRADING PLAN
HOURET

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

DATE	MK	SHEET REVISIONS	BY	CK

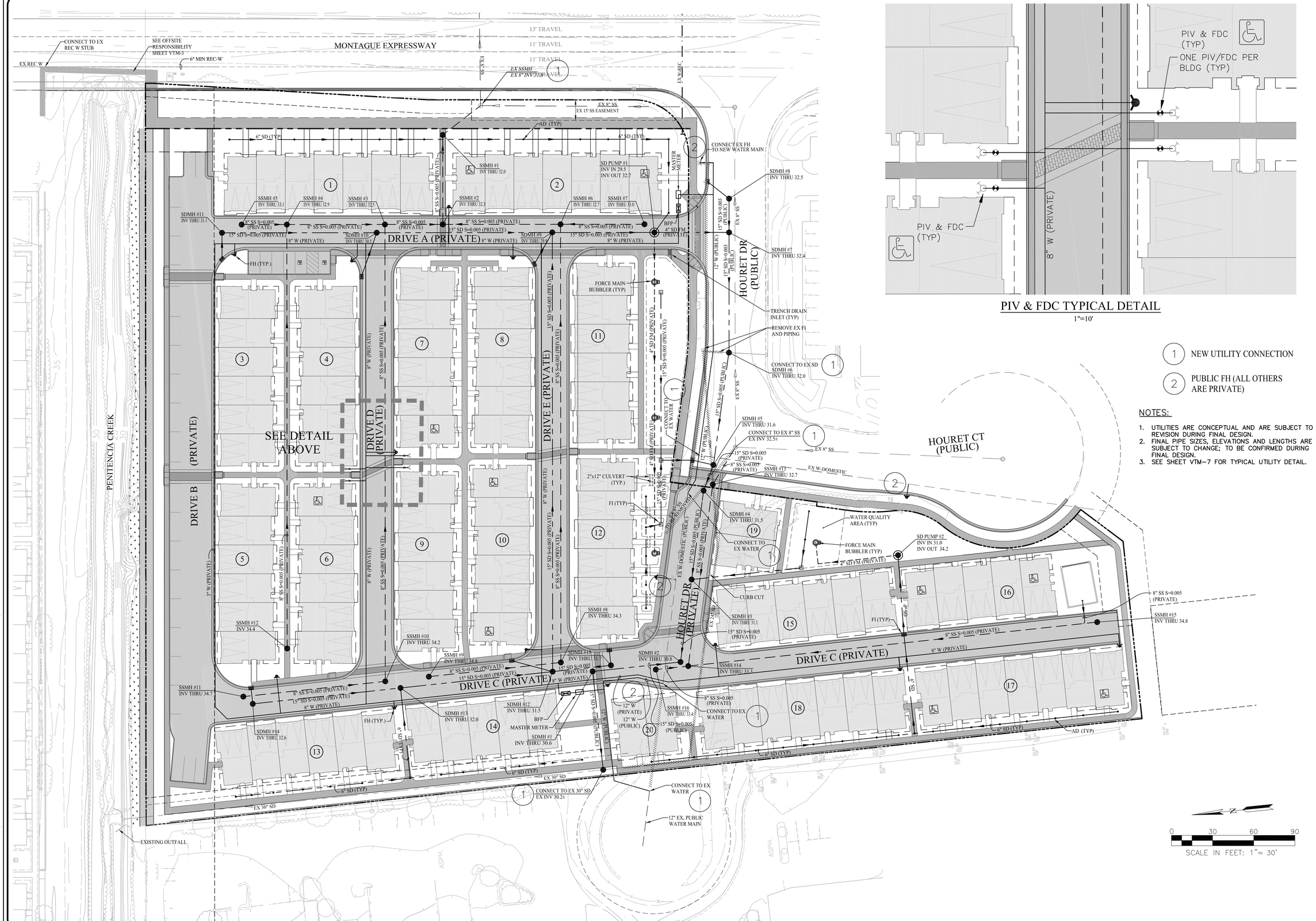
SCALE 1"=50'

DATE OCTOBER 5, 2015

SHEET
VTM-7
OF 16 SHEETS

JOB NO. 132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-7 CONCEPTUAL GRADING PLAN.dwg



PIV & FDC TYPICAL DETAIL

1"=10'

1 NEW UTILITY CONNECTION

2 PUBLIC FH (ALL OTHERS ARE PRIVATE)

NOTES:

1. UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. FINAL PIPE SIZES, ELEVATIONS AND LENGTHS ARE SUBJECT TO CHANGE; TO BE CONFIRMED DURING FINAL DESIGN.
3. SEE SHEET VTM-7 FOR TYPICAL UTILITY DETAIL.

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VESTING TENTATIVE MAP
CONCEPTUAL UTILITY PLAN
HOURET
MILPITAS, CALIFORNIA

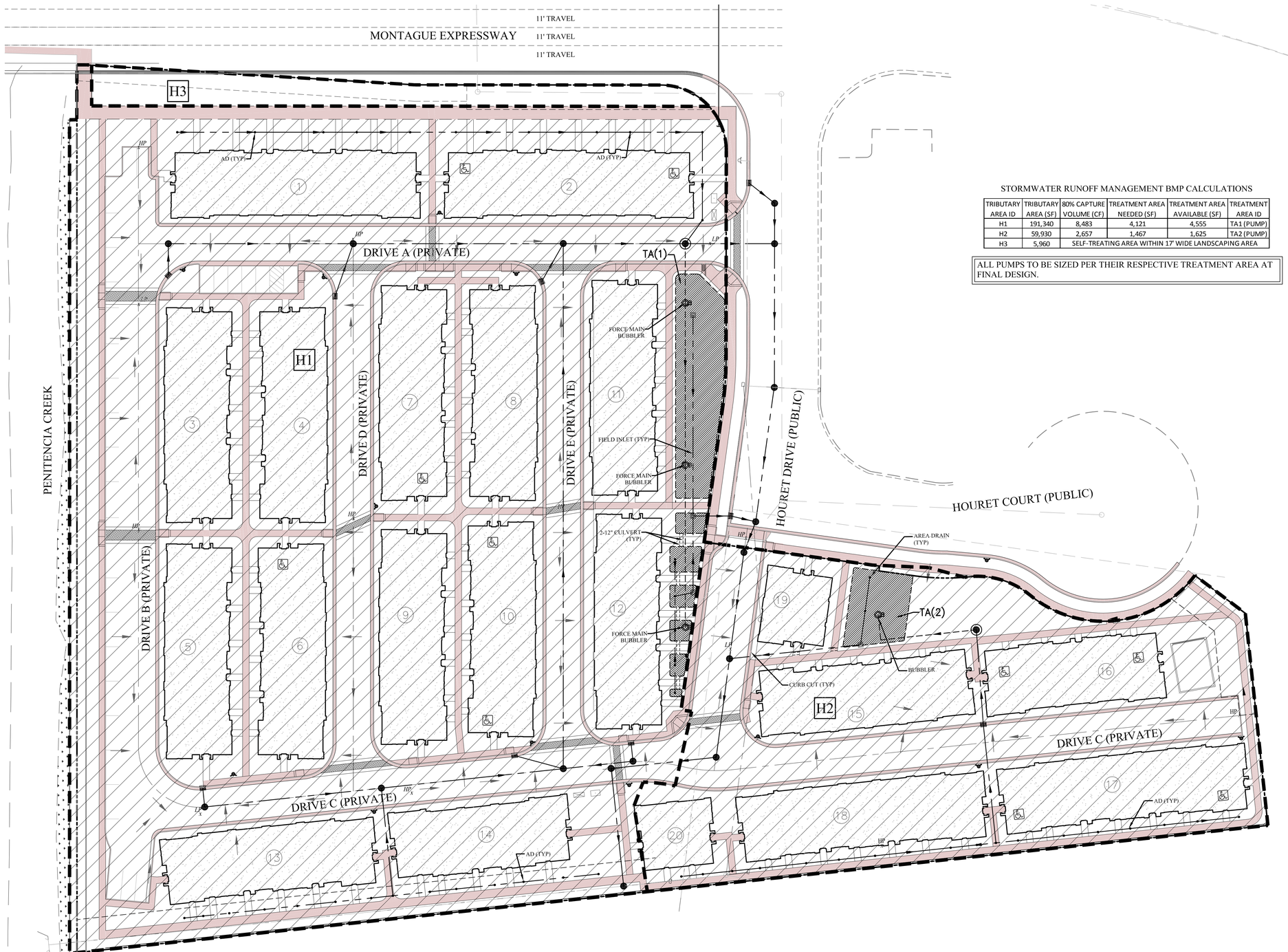
FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK
SHEET REVISIONS		
SCALE 1"=50'	DATE OCTOBER 5, 2015	

SHEET
VTM-8
OF 16 SHEETS

JOB NO.
132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-8 CONCEPTUAL UTILITY PLAN.dwg



LEGEND

- BUILDING NUMBER
- DRAINAGE AREA NUMBER
- TREATMENT AREA NUMBER
- DRAINAGE AREA BOUNDARY
- BIOTREATMENT AREA
- CONCRETE/HARDSCAPE
- BUILDING ROOF AREA
- STORM DRAIN SYSTEM
- HIGH POINT
- LOW POINT
- CATCH POINT
- DIRECTION OF FLOWS
- STORM DRAIN MANHOLE
- STORM DRAIN INLET
- PUMP STATION
- BUBBLER
- AREA TRIBUTARY TO PUMP STATION
- CURB CUT

STORMWATER RUNOFF MANAGEMENT BMP CALCULATIONS

TRIBUTARY AREA ID	TRIBUTARY AREA (SF)	80% CAPTURE VOLUME (CF)	TREATMENT AREA NEEDED (SF)	TREATMENT AREA AVAILABLE (SF)	TREATMENT AREA ID
H1	191,340	8,483	4,121	4,555	TA1 (PUMP)
H2	59,930	2,657	1,467	1,625	TA2 (PUMP)
H3	5,960	SELF-TREATING AREA WITHIN 17' WIDE LANDSCAPING AREA			

ALL PUMPS TO BE SIZED PER THEIR RESPECTIVE TREATMENT AREA AT FINAL DESIGN.

STORM WATER MANAGEMENT NOTES:

1. THIS PROJECT IS LOCATED IN THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION. STORMWATER RUNOFF MANAGEMENT SHALL ADHERE TO PROVISION C.3 OF THE MUNICIPAL REGIONAL PERMIT ORDER R82-2009-0074 ADOPTED OCTOBER 2009.
2. THIS STORM WATER RUNOFF MANAGEMENT PLAN IS CONCEPTUAL AND SUBJECT TO REVISION DURING FINAL DESIGN.
3. STORM WATER VOLUMETRIC BMP SIZING IS BASED ON THE 80% CAPTURE CURVE METHOD SET FORTH IN APPENDIX D OF THE CALIFORNIA STORM WATER BEST MANAGEMENT PRACTICES HANDBOOK FOR NEW DEVELOPMENT (2003), ADJUSTED FOR A LOCAL MEAN ANNUAL PRECIPITATION OF 15". A UNIT BASIN STORAGE FACTOR OF 0.56 IN WAS USED BASED ON AN 80% IMPERVIOUS COVERAGE.
4. AVAILABLE NRCS SOIL MAPS IDENTIFY SOILS IN THE PROJECT AREA AS TYPE 'D' SOILS WITH AN ESTIMATED SATURATED HYDRAULIC CONDUCTIVITY OF .06 IN/HR. DUE TO THE LOW INFILTRATION RATE OF THE SOILS, BIOTREATMENT AREAS WILL INCORPORATE THE USE OF A PERFORATED SUBDRAIN SYSTEM.
5. BMP AREA SIZING IS BASED ON THE COMBINATION FLOW/VOLUME SIZING CRITERIA DESCRIBED IN APPENDIX B OF THE SCVURPPP C.3 STORMWATER HANDBOOK, DATED APRIL 2013. SINCE THE BIOTREATMENT AREAS WILL BE DESIGNED WITH A SUBDRAIN, A DESIGN INFILTRATION RATE OF 5.0 IN/HR WAS USED BASED ON THE INFILTRATION RATE OF THE BIOTREATMENT SOIL MIX LAYER.
6. BASED ON FIG. 8-1 OF THE CITY OF MILPITAS STORM WATER C.3 GUIDEBOOK, THIS PROJECT IS NOT REQUIRED TO CREATE A HYDROGRAPH MODIFICATION MANAGEMENT PLAN BECAUSE THE PROJECT DOES NOT CREATE AN INCREASE IN IMPERVIOUS SURFACE OVER PRE-PROJECT CONDITIONS IN AN AREA THAT IS OVER 90% BUILT-OUT WITH GREATER THAN 65% IMPERVIOUS AREA. FLOOD CONTROL IS ALSO NOT REQUIRED, SINCE THE PROJECT REDUCES THE IMPERVIOUS COVERAGE FROM THE EXISTING CONDITION.

SEE SHEET VTM-10 FOR ENLARGED DETAILED VIEWS OF TREATMENT AREAS

0 30 60 90
SCALE IN FEET: 1"= 30'

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN
HOURET
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

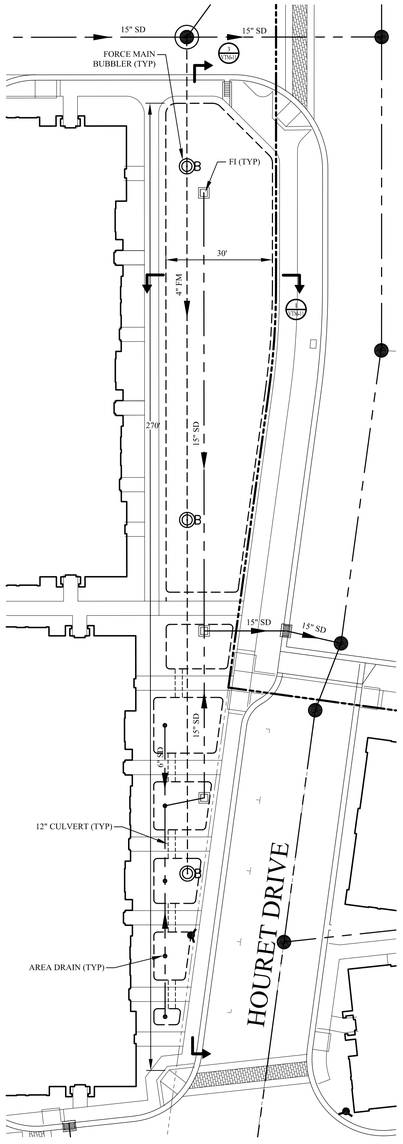
DATE	BY	CK
MK		
SHEET REVISIONS		

SCALE 1"=30'
DATE OCTOBER 5, 2015

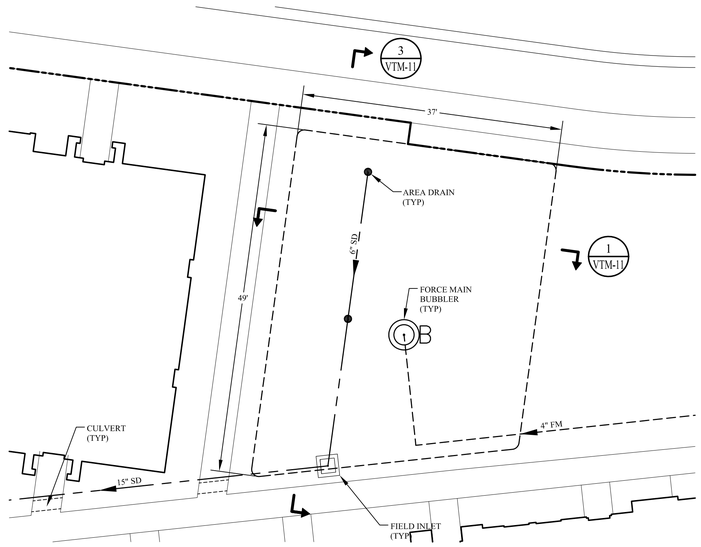
SHEET
VTM-9
OF 16 SHEETS

JOB NO. 132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-10 CONCEPTUAL STORMWATER CONTROL PLAN.dwg



TREATMENT AREA 1
TREATMENT AREA PROVIDED = 4,555 SF
SCALE: 1"=20'



TREATMENT AREA 2
TREATMENT AREA PROVIDED = 1,625 SF
SCALE: 1"=10'

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-11 CONCEPTUAL TREATMENT AREA BLOWUPS.dwg

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VESTING TENTATIVE MAP
CONCEPTUAL TREATMENT AREA BLOWUPS
HOURET
MILPITAS, CALIFORNIA

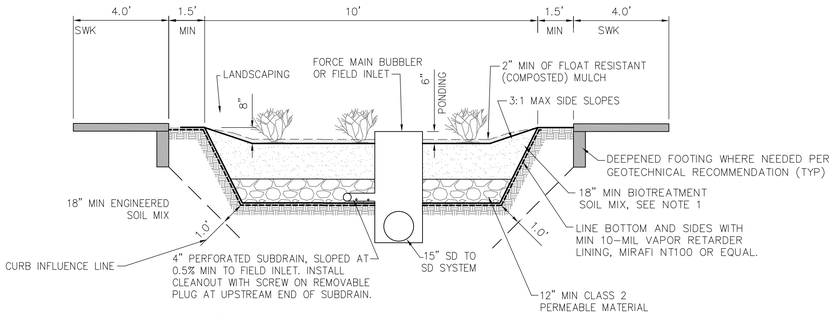
FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
NONE	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

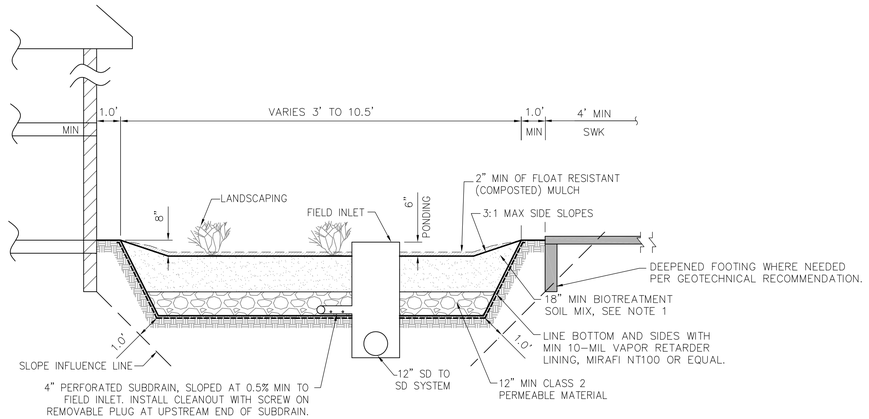
SHEET
VTM-10
OF 16 SHEETS

JOB NO.
132020



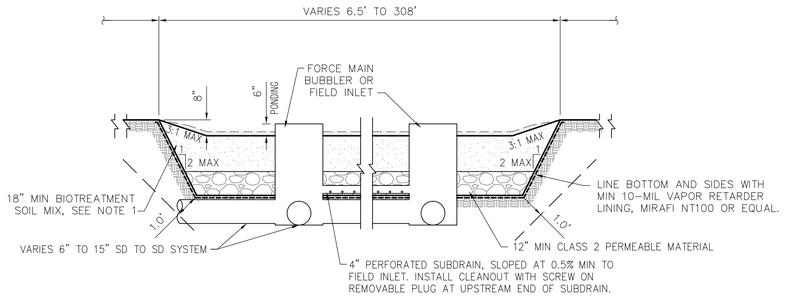
(1) TREATMENT AREA DETAIL
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



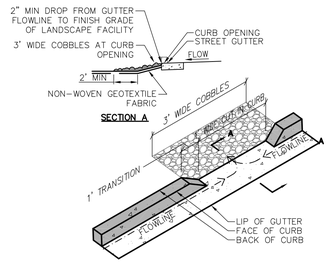
(2) TREATMENT AREA DETAIL
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.

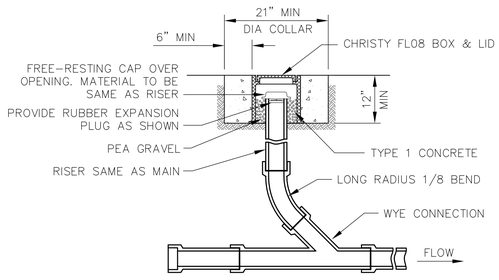


(3) BIOSWALE LONGITUDINAL SECTION
NO SCALE

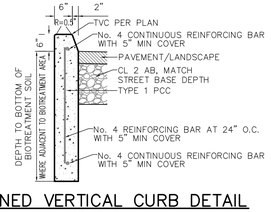
NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



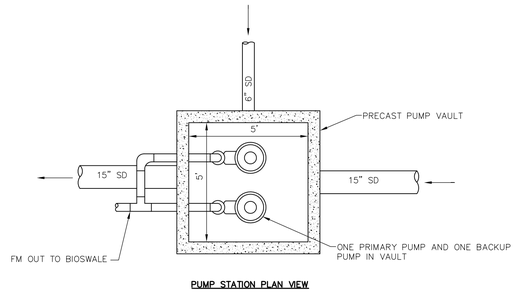
(4) CURB CUT DETAIL
NO SCALE



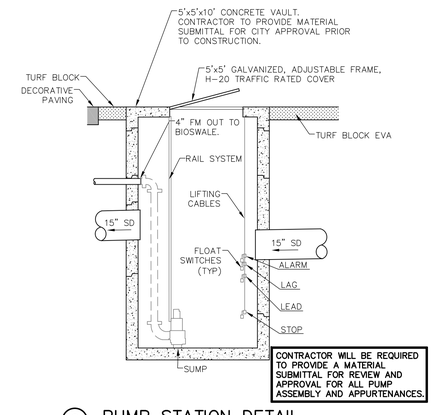
CLEANOUT DETAIL
NO SCALE



(5) DEEPENED VERTICAL CURB DETAIL
NO SCALE



PUMP STATION PLAN VIEW



(6) PUMP STATION DETAIL
NO SCALE

NOTES:
1. (2) MYERS MODEL 3V10M4-21 SUBMERSIBLE PUMP 1 HP, 230 V, 1 PH WITH 35' POWER AND SENSOR CABLES, 5" DIAMETER IMPELLER.
2. PUMP WILL BE SIZED FOR STORMWATER QUALITY LOW FLOW REQUIRED VOLUME.

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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
HOURET
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK

SHEET REVISIONS

SCALE

DATE OCTOBER 5, 2015

SHEET
VTM-11
OF 16 SHEETS

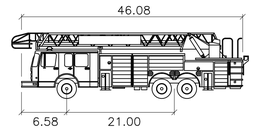
JOB NO.
132020

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-12 CONCEPTUAL STORMWATER CONTROL PLAN DETAILS.dwg

LEGEND

OUT MOVEMENTS

IN MOVEMENTS



MODEL SP95 feet

Width	: 8.00	Raddi:	
Track	: 7.00	Inclusive of 24" Clearance	
Lock to Lock Time	: 7.00	Outside	: 48'-6"
Steering Angle	: 33.60	Inside	: 28'-0"

MONTAGUE CL

13' TRAVEL

MONTAGUE EXPRESSWAY (PUBLIC)

11' TRAVEL

11' TRAVEL

11' TRAVEL

DRIVE A

DRIVE B

DRIVE C

DRIVE D

DRIVE E

HOURET DR (PRIVATE)

HOURET DR (PUBLIC)

HOURET CT (PUBLIC)

SOLID WASTE ENCLOSURE

PENITENCIA CREEK

0 60 60 90

SCALE IN FEET: 1"= 30'

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-13 CONCEPTUAL EMERGENCY VEHICLE PLAN.dwg

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VESTING TENTATIVE MAP
CONCEPTUAL EMERGENCY VEHICLE PLAN
HOURET

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-12
OF 16 SHEETS

JOB NO.
132020

MONTAGUE CL

MONTAGUE EXPRESSWAY

13' TRAVEL

11' TRAVEL

11' TRAVEL

11' TRAVEL

9'

HOURET DR (PUBLIC)

DRIVE A

PENITENCIA CREEK

DRIVE B

DRIVE D

DRIVE E

DRIVE C

HOURET DR (PRIVATE)

HOURET CT (PUBLIC)

12'

9'

8'

R=37'

R=30'

38'

T

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

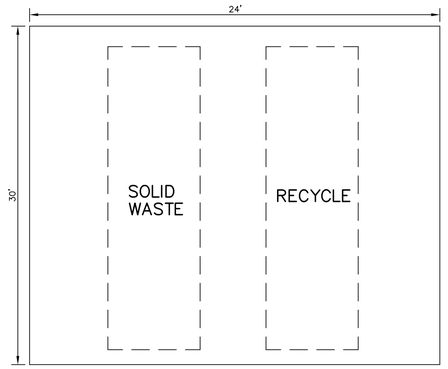
HOURET

T

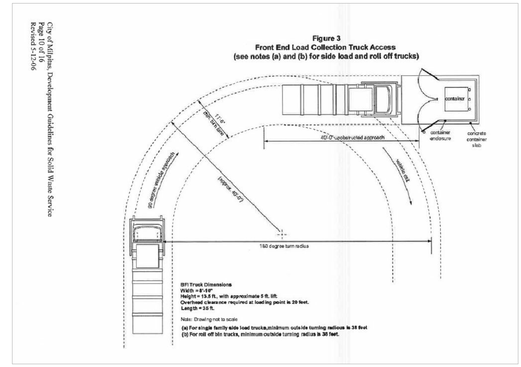
TRASH COLLECTION AREA.
TRASH COMPACTION AND PICKUP AREA.
HOA WILL PICK UP INDIVIDUAL UNITS TRASH AND RECYCLABLES AND TRANSPORT TO COMPACTORS. SOLID WASTE COMPANY WILL PICK UP SOLID WASTE AND RECYCLABLES FROM TRASH COLLECTION AREA. SEE SOLID WASTE AND RECYCLABLE WASTE CALCULATIONS AND MORE DETAILED DESCRIPTION IN SOLID WASTE REPORT (PART OF TENTATIVE MAP SUBMITTAL).

GENERAL NOTE:

TRASH ENCLOSURES SHOWN ARE SUBJECT TO CHANGE AT THE TIME OF FINAL DESIGN.



CONCEPTUAL ENCLOSURE DETAIL



WASTE VEHICLE DETAIL

0 30 60 90

SCALE IN FEET: 1"= 30'

PLOT DATE: October 9, 2015
FILE PATH: W:\Jobs 13\132020\Drawings\Prelim\Applications\Tentative Map 2015\VTM-14 CONCEPTUAL SOLID WASTE VEHICLE PLAN.dwg

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VESTING TENTATIVE MAP
CONCEPTUAL SOLID WASTE VEHICLE PLAN
HOURET
CALIFORNIA
MILPITAS,
FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=50'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-13
OF 16 SHEETS

JOB NO.
132020

PLANTING LEGEND

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	LOW
	PLATANUS X ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	36" BOX	MEDIUM
	GINKGO BILOBA 'FAIRMONT'	MAIDENHAIR TREE	36" BOX	MEDIUM
	MAGNOLIA GRANDIFLORA 'RUSSET'	SOUTHERN MAGNOLIA	60" BOX	MEDIUM
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	48" BOX MULTI	MEDIUM
	PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	36" BOX	MEDIUM
	RHUS LANCEA	AFRICAN SUMAC	36" BOX	LOW
	TRISTANIA CONFERTA	BRISBANE BOX	36" BOX	MEDIUM

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL. - 18" OC	MEDIUM
	MARATHON IiE	TURF	SOD - ROLLS	HIGH
	VINCA MAJOR 'ALBA'	WHITE PERIWINKLE	1 GAL. - 2' OC	MEDIUM
	VINCA MAJOR 'PURPLE'	PURPLE PERIWINKLE	1 GAL. - 2' OC	MEDIUM

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE - SPACING	WUCOLS
	FICUS PUMILA	CREEPING FIG	1 GAL. - STAKED	MEDIUM

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AGAPANTHUS AFRICANUS 'BLUE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	AGAPANTHUS AFRICANUS 'WHITE'	LILY-OF-THE-NILE	1 GAL.	MEDIUM
	ASPARAGUS DENSIFLORUS 'MYERS'	MEYERS ASPARAGUS	5 GAL.	MEDIUM
	BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	24" BOX	MEDIUM
	BAMBUSA OLDHAMII	GIANT TIMBER BAMBOO	24" BOX	MEDIUM
	BUXUS M. JAPONICA 'WINTER GEM'	JAPANESE BOXWOOD	5 GAL.	MEDIUM
	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL.	MEDIUM
	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	MEDIUM
	DIETES BICOLOR	AFRICAN IRIS	15 GAL.	LOW
	DIETES VEGETA 'VARIEGATA'	VARIEGATED FORTNIGHT LILY	15 GAL.	LOW
	DODONAEA VISCOSA 'SARATOGA'	PURPLE HOPSEED BUSH	15 GAL.	LOW
	ESCALLONIA 'FRADESII'	ESCALLONIA	15 GAL.	MEDIUM
	GREWIA OCCIDENTALIS	GREWIA	15 GAL. COLUMNAR	MEDIUM
	HEMEROCALLIS 'DOUBLE ORANGE'	HEMEROCALLIS	5 GAL.	MEDIUM
	HEMEROCALLIS 'LEMON YELLOW'	HEMEROCALLIS	5 GAL.	MEDIUM
	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	15 GAL.	MEDIUM
	LIRIOPE 'SUNPROOF'	LIRIOPE 'SUNPROOF'	5 GAL.	MEDIUM
	MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GAL.	LOW
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL.	LOW
	NANDINA DOMESTICA 'GULF STREAM'	DWARF HEAVENLY BAMBOO	5 GAL.	LOW
	PENNISETUM S. 'EATON CANYON'	PURPLE FOUNTAIN GRASS	5 GAL.	MEDIUM
	PHORMIUM TENAX 'ATROPUREUM'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'DUET'	NEW ZEALAND FLAX	15 GAL.	LOW
	PHORMIUM TENAX 'MAORI QUEEN'	NEW ZEALAND FLAX	15 GAL.	LOW
	PITTOSPORUM TOBIRA 'CREAM DE MINT'	DWARF VARIEGATED TOBIRA	5 GAL.	LOW
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED TOBIRA	15 GAL.	LOW
	PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	15 GAL.	MEDIUM
	RHAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIA HAWTHORN	5 GAL.	LOW
	ROSA 'ICEBERG'	WHITE ICEBERG ROSE	15 GAL.	MEDIUM
	VIBURNUM TINUS 'SPRING BOUQUET'	COMPACT LAURISTINUS	15 GAL.	MEDIUM

HOURET

Milpitas, CA

DATE: 10/02/15
UA JOB # 13-011

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Illustrative With Plant Palette

Entitlement Set
Sheet no.
H.L-01

FILE NAME: S:\2013 Projects\13-011 Houret Property\LANDSCAPE\Prelim\Pending Submittal\13_011_x-labase.dwg
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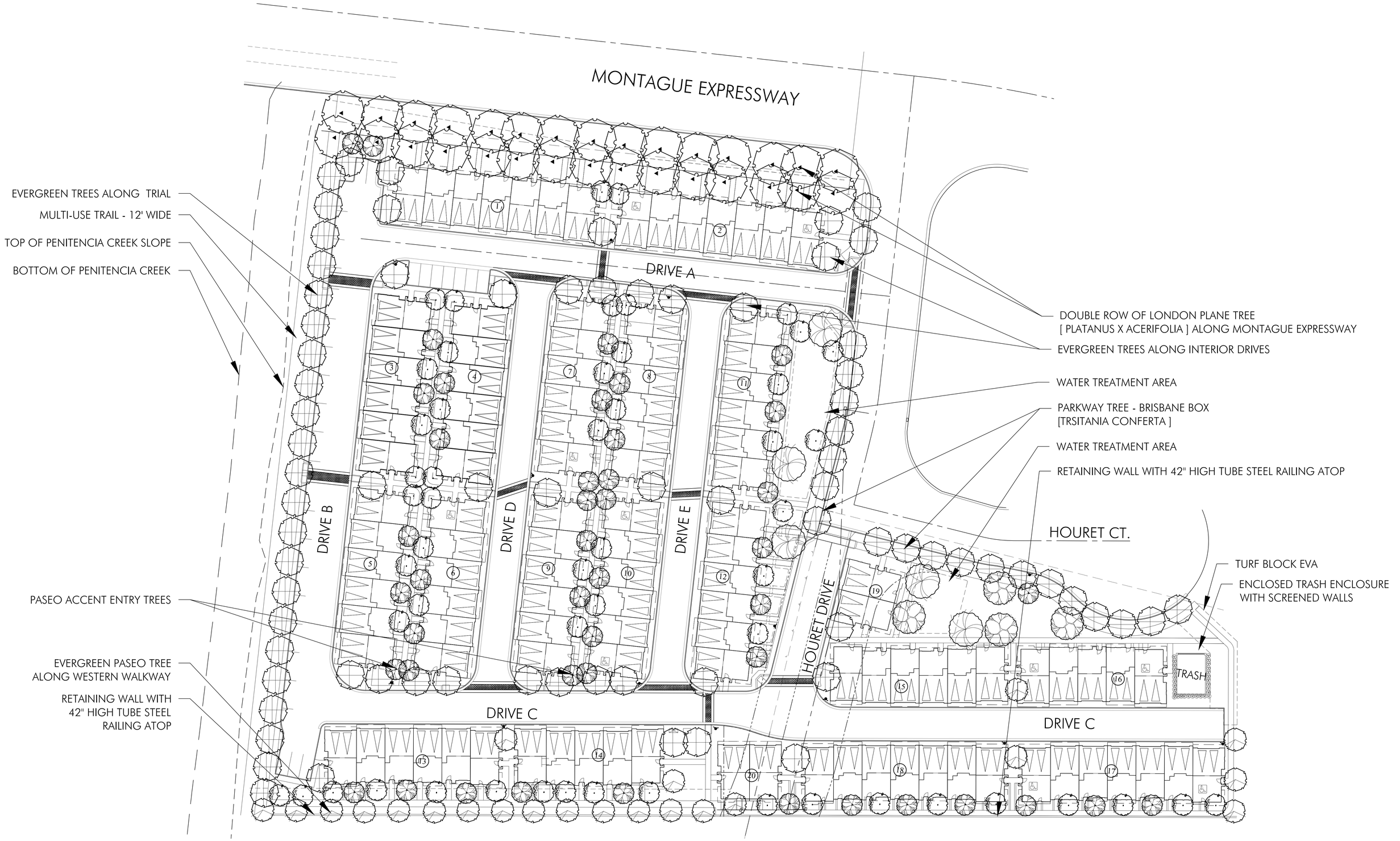

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DATE/TIME OF PLOT: 10/8/2015 10:51:03 AM

HOURET

Milpitas, CA

DATE: 10/08/15
UA JOB # 13-011

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.6500 F. 714.754.4545
Orange County · San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

Conceptual Landscape Plan

Entitlement Set
Sheet no.
H.L-02

HOURET

Milpitas, CA

DATE: 10/08/15
UA JOB # 13-011

URBAN ARENA
3195 Red Hill Avenue - Loft F
Costa Mesa, California 92626
T. 714.754.4500 F. 714.754.4545
Orange County - San Diego

SCALE: 1" = 30'-0"

0 15 30 60 90

NORTH

POTENTIAL PUBLIC ART LOCATIONS

Entitlement Set
Sheet no.

H.L-03

DATE/TIME OF PLOT: 10/8/2015 10:51:11 AM
FILE NAME: S:\2013 Projects\13-011 Houret Property\LA\NDSC_APE\Prelim\Pending Submittal\13_011_a-labase.dwg

THE DISTRICT AT MILPITAS
DISTRICT LOT 3 & CENTRE POINTE LOT A

FLOOR AREA RATIO CALCS

FLOOR AREA RATIO CALCULATIONS		
LOT AREA	**5.50 ACRES**	**239,580SF**
RESIDENTIAL AREA		550,329 SF
RETAIL ABOVE 1ST FLR		12,079 SF
RESIDENTIAL + RETAIL AREAS ABOVE 1ST FLOOR / LOT AREA	=	562,408 SF / 239,580 SF
	=	**2.35 FAR**

BUILDABLE GROSS AREA	
TYPE	**AREA**
RESIDENTIAL (GROSS)	555,580
RETAIL (59,135 RETAIL+	
4643 HOTEL/RETAIL +2643 LEASING)	66,421
HOTEL	206,370
REC DECK (INCLUDES 19,920 GSF CLUBHOUSE)	49,240
GARAGE (GROSS)	557,190
EAST & WEST COURTYARDS	20,210
TOTAL AREA	**1455011**

BUILDING/UNIT

UNIT COUNT TABULATION											
FLOOR		**TYPE**									**TOTAL**
	STUDIO	**1B/1BA**			**1B/2BA**	**2B/2BA**		**3 B/2BA**			**BY FLOOR**
					LOFT						
	S1	**A1**	**A2**	**A3**	**PH1**	**B1**	**B2**	**C1**	**C2**	**PH2**	
2ND	3	10	0	1	0	15	0	0	3	0	32
3RD	3	10	0	1	0	15	0	0	3	0	32
4TH	7	12	3	1	0	21	1	1	4	0	50
5TH	7	12	3	1	0	21	1	1	4	0	50
6TH	7	12	3	1	0	21	1	1	4	0	50
7TH	7	12	3	1	0	21	1	1	4	0	50
8TH	7	12	3	1	0	21	1	1	4	0	50
9TH	7	12	3	1	0	21	1	1	4	0	50
10TH	4	7	0		5	12		1	2	8	39
11TH	3	6	0		0	9	0	1	1	0	20
TOTAL	55	105	18	8	5	177	6	8	33	8	**423**
PERCENTAGE	13%				1%	42%	1%			2%	100%

DWELLING UNIT INFORMATION						
UNIT					**TOTAL RSF***	
	UNIT RSF	**Qty.**	**%**	**TYPE**		
S1	552	55	13%	Studio	30360	
A1	728	105	29%	1bd/1ba	76440	
A2	702	18	1%	1bd/1ba	12636	
A3	732	8		1bd/1ba	5856	
B1	1054	177	43%	2bd/2ba	186558	
B2	1002	6	2%	2bd/2ba	6012	
C1	1325	8	10%	3bd/2ba	10600	
C2	1422	33	2%	3bd/2ba	46926	
PH1	907	5	1%	1bd/2ba+loft	4535	
PH2	1631	8	2%	3bd/2ba+loft	13048	
TOTAL		423	100%		**392971**	**NET RSF**

PARKING

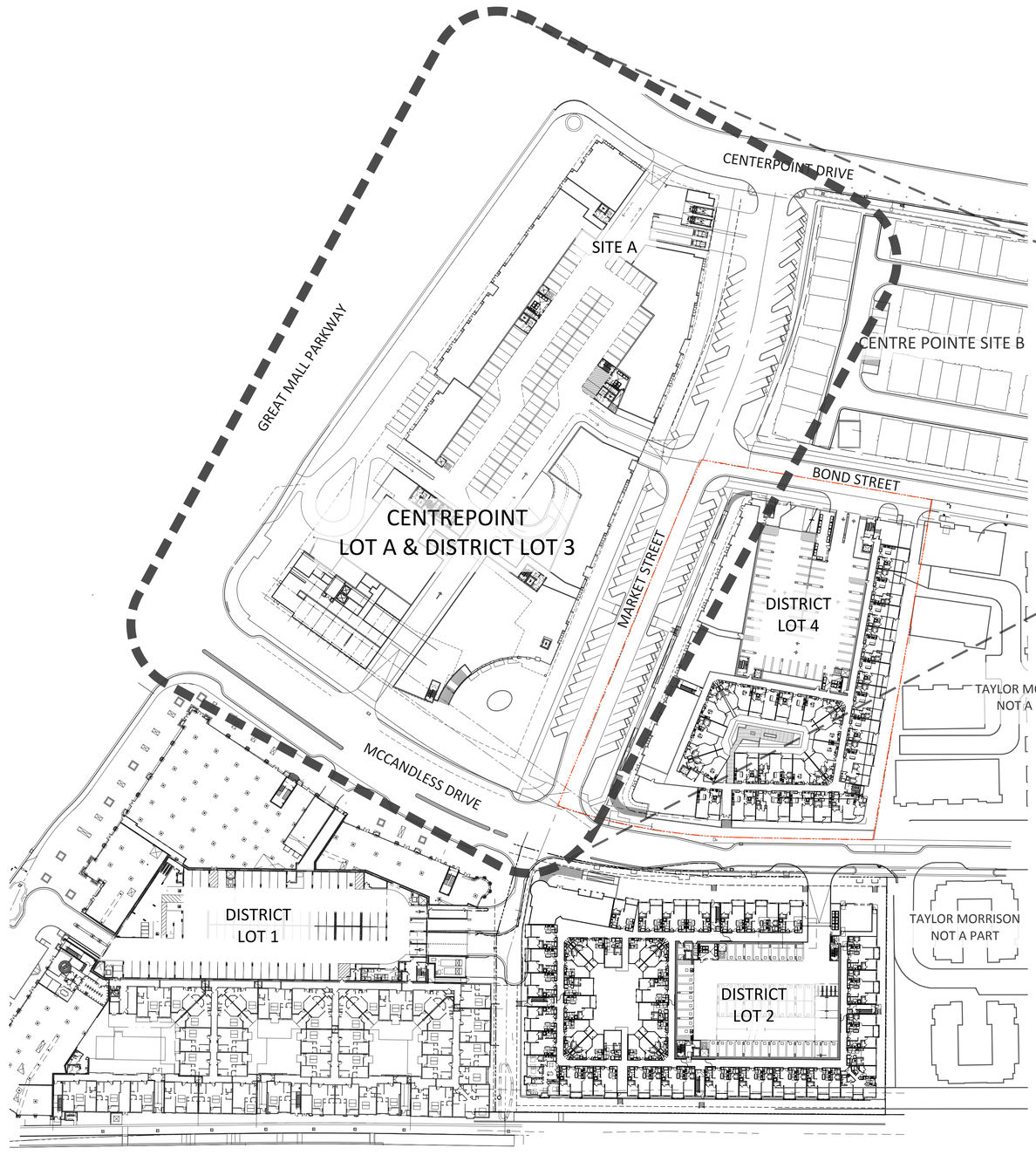
PARKING TABULATION		
LEVEL	**ALL PKG**	TANDEM
SURFACE	7	0
GROUND	92	0
1M	119	10
2ND	117	10
3RD	129	10
4TH	88	3
5TH	88	3
6TH	88	3
7TH	88	3
8TH	88	3
9TH	88	3
10TH	88	3
TOTAL	**1080**	51

REQUIRED PARKING (Per Milpitas Transit Area Specific Plan)						
Residential Uses		**Miniumum Rquired**	**Maximum Allowed**		**Total Provided**	
Type of Units	**Number of Units**					
STUDIO	55	44		55		
1BR	136	163.2		204		
2BR	183	292.8		366		
3BR	49	78.4		98		
GUEST	15%	87		108		
RETAIL	56,982	0.0032 per 182	1.0 per 250sf	228		
HOTEL	175	0.8 per 140		140		
Bicycle Substitution			N/A	N/A		
TOTAL		988		1199		**1080**

REQUIRED BICYCLE PARKING (Per Milpitas Transit Area Specific Plan)			
1 Space per 4 Units (Long Term) + 5% of Automobile Spaces Required (Short Term)			
# Units	Required Bicycle Spaces	# Parking Spaces	Required Bicycle Spaces
105.75	26.4375	988	49.37512
TOTAL BICYCLE SPACES REQUIRED			76
Bicycle Parking Substituion for Automobile Parking Spaces (Per Milpitas Municiple Code)			
# Bicycle Spaces	Rate of Sutitution	Parking Space Equivalent	
26	1 Parking Space = 8 bicylcles	**3**	

SHEET INDEX

3A-A0	SHEET INDEX AND BUILDING DATA
3A-A0.1	AERIAL VIEW
3A-A1	VICINITY MAP
3A-A2	SITE PLAN
3A-A3	GROUND FLOOR / 1ST FLOOR PLAN
3A-A4	PARKING LEVEL 1M FLOOR PLAN
3A-A5	SECOND FLOOR PLAN
3A-A6	THIRD FLOOR PLAN
3A-A7	4TH-9TH FLOOR PLAN
3A-A8	10TH FLOOR PLAN
3A-A9	11TH FLOOR PLAN
3A-A10	ROOF PLAN
3A-A11	BUILDING SECTIONS
3A-A12	BUILDING SECTIONS
3A-A13	BUILDING ELEVATIONS
3A-A14	BUILDING ELEVATIONS
3A-A15	ENLARGED ELEVATIONS THRU RESIDENTIAL
3A-A15.1	RESIDENTIAL NORTH ELEVATION (SOUTH SIM) MATERIALS AND COLORS
3A-A16	ENLARGED ELEVATIONS THRU RESIDENTIAL
3A-A16.1	RESIDENTIAL EAST ELEVATION MATERIALS AND COLORS
3A-A17	ENLARGED ELEVATIONS THRU HOTEL
3A-A17.1	HOTEL MATERIALS AND COLORS
3A-A18	STREET CURB SECTIONS
3A-A19	STREET CURB SECTIONS
3A-A20	UNIT PLANS
3A-A21	UNIT PLANS
3A-A22.1	RENDERING (TO BE ISSUED)
3A-A22.2	RENDERING (TO BE ISSUED)
3A-A22.3	RENDERING (TO BE ISSUED)
3A-A23.1	3D VIEWS
3A-A23.2	3D VIEWS
3A-A23.3	3D VIEWS
3A-A23.4	3D VIEWS
3A-A24	THRU 3A-A26 NOT USED
3A-A27	TRASH MANAGEMENT RESIDENTIAL PLAN
3A-A28	TRASH MANAGEMENT RESIDENTIAL PLAN
3A-A29	TRASH MANAGEMENT RESIDENTIAL DIAGRAMS
3A-A30	TRASH MANAGEMENT RETAIL PLAN
3A-A31	TRASH MANAGEMENT RETAIL PLAN
3A-A32	TRASH MANAGEMENT RETAIL DIAGRAMS
3A-A33	TRASH MANAGEMENT HOTEL PLAN
3A-A34	FIRE DEPARTMENT PLANS AND NOTES
3A-A35	FIRE DEPARTMENT PLANS AND NOTES
3A-A36	FIRE DEPARTMENT ROOF PLAN
3A-A37	SHADOW DIAGRAMS

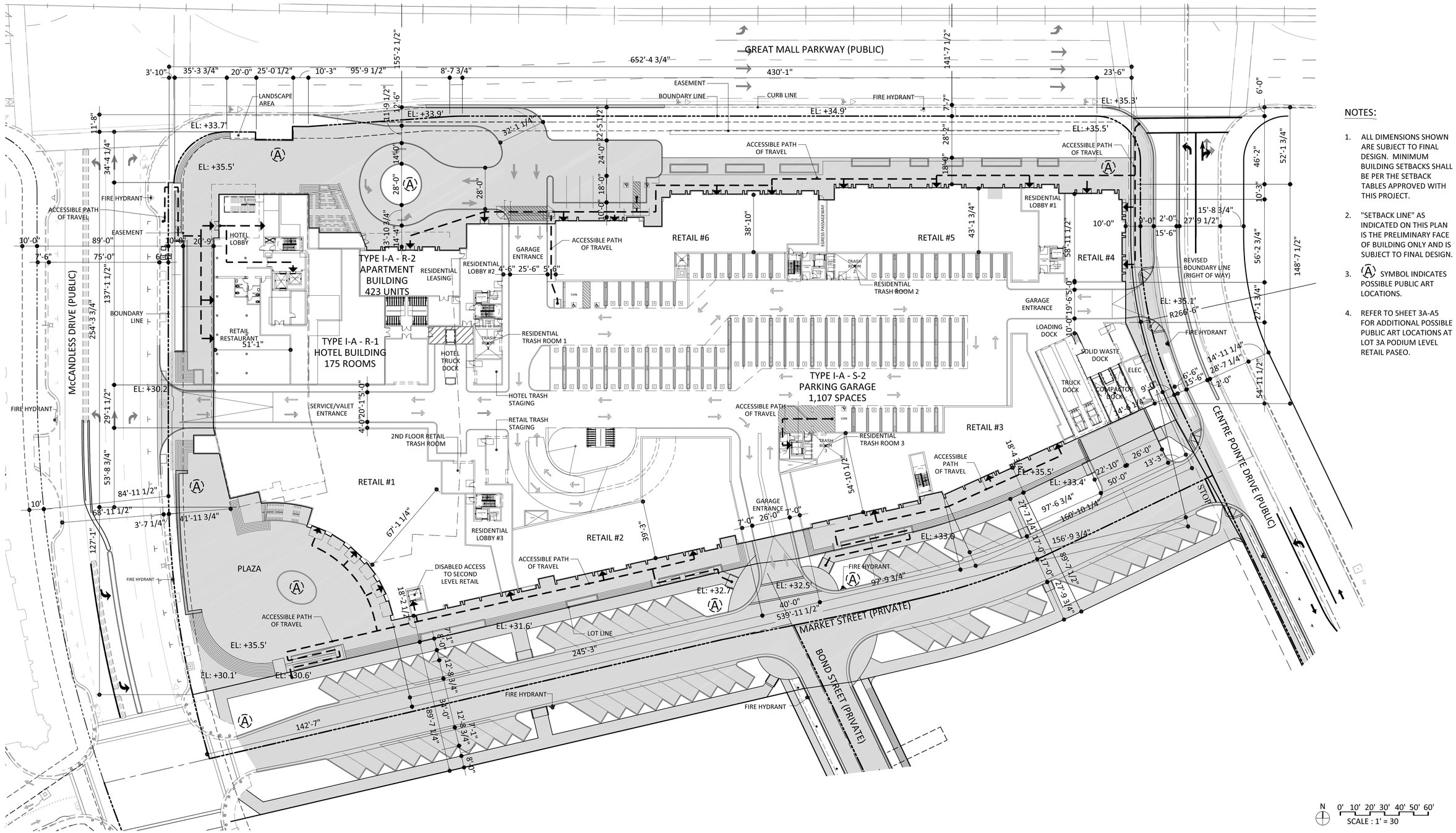


VICINITY MAP

N

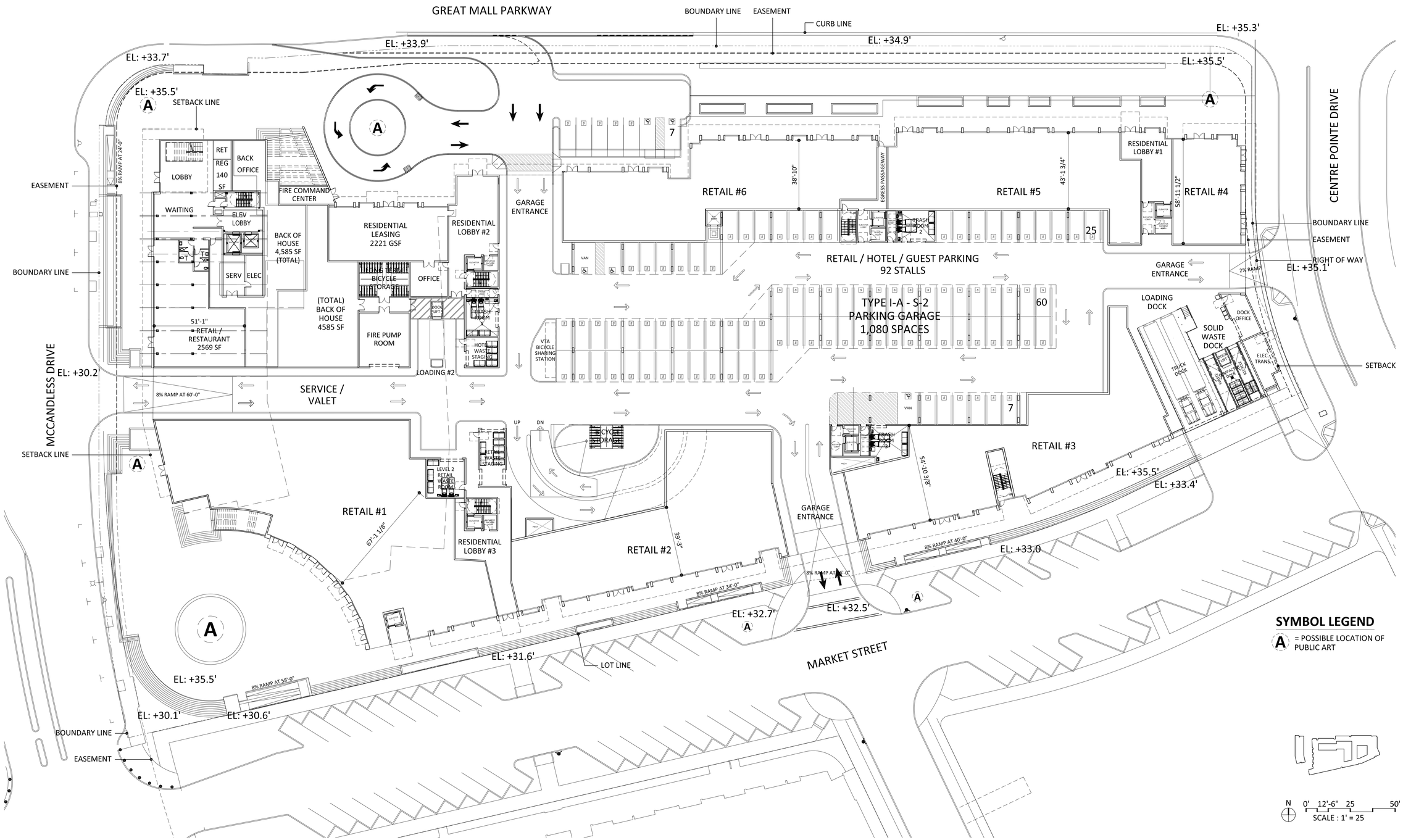
0' 25' 50' 100'

SCALE: 1:50'



NOTES:

1. ALL DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN. MINIMUM BUILDING SETBACKS SHALL BE PER THE SETBACK TABLES APPROVED WITH THIS PROJECT.
2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.
3. Ⓐ SYMBOL INDICATES POSSIBLE PUBLIC ART LOCATIONS.
4. REFER TO SHEET 3A-A5 FOR ADDITIONAL POSSIBLE PUBLIC ART LOCATIONS AT LOT 3A PODIUM LEVEL RETAIL PASEO.



DISTRICT MILPITAS - LOT3A

3A-A3 GROUND FLOOR / FIRST FLOOR PLAN

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

LYON

GREAT MALL PARKWAY

MCCANDLESS DRIVE

CENTRE POINTE DRIVE

MARKET STREET

LOBBY

RET

REG 140 SF

BACK OFFICE

WAITING

ELEV LOBBY

SERV

ELEC

FIRE COMMAND CENTER

BACK OF HOUSE 4,585 SF (TOTAL)

RETAIL / RESTAURANT 2569 SF

RESIDENTIAL LEASING BELOW

RESID. LOBBY #2 BELOW

OFFICE BELOW

DOCK LIFT

LOADING #2 BELOW

SERVICE / VALET BELOW

RETAIL BELOW

RESID. LOBBY #1 BEOW

RETAIL BELOW

RETAIL / HOTEL / GUEST PARKING
119 STALLS

34

3

2% RAMP

41

119

12

21

6

5

RETAIL LOADING DOCK BELOW

TRUCK DOCK BELOW

RETAIL WASTE DOCK BELOW

RETAIL WASTE COMPACTORS

ELEC TRANS BELOW

LEVEL 2 RETAIL WASTE ROOM

RETAIL BELOW

EL: +35.5'

EL: +33.4'

RETAIL BELOW

8% RAMP AT 34'-0"

8% RAMP AT 36'-0"

8% RAMP AT 58'-0"

EL: +35.5'

N 0' 12'-6" 25' 50'
SCALE: 1" = 25'

DISTRICT MILPITAS - LOT3A

3-A-A4 PARKING LEVEL 1M PLAN

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

LYON

GREAT MALL PARKWAY

MCCANDLESS DRIVE

CENTRE POINTE DRIVE

MARKET STREET

LIBRARY
433 SF

OPEN TO BLW

MED.

MED.

ELEV LOBBY

AC LOUNGE
1880 SF

ICE

HKPG

ET

KITCHEN
980 SF

BREAKFAST
905 SF

W

M

MTG
900 SF

MTG
1050 SF

MTG
1222 SF

PRE FUNCTION

RETAIL PASEO

RETAIL #6

47'-0 3/4"

RETAIL / HOTEL / GUEST PARKING
117 STALLS

34

43

7

117

12

7

21

5

A

SYMBOL LEGEND

A = POSSIBLE LOCATION OF PUBLIC ART

N 0' 12'-6" 25' 50'
SCALE: 1" = 25'

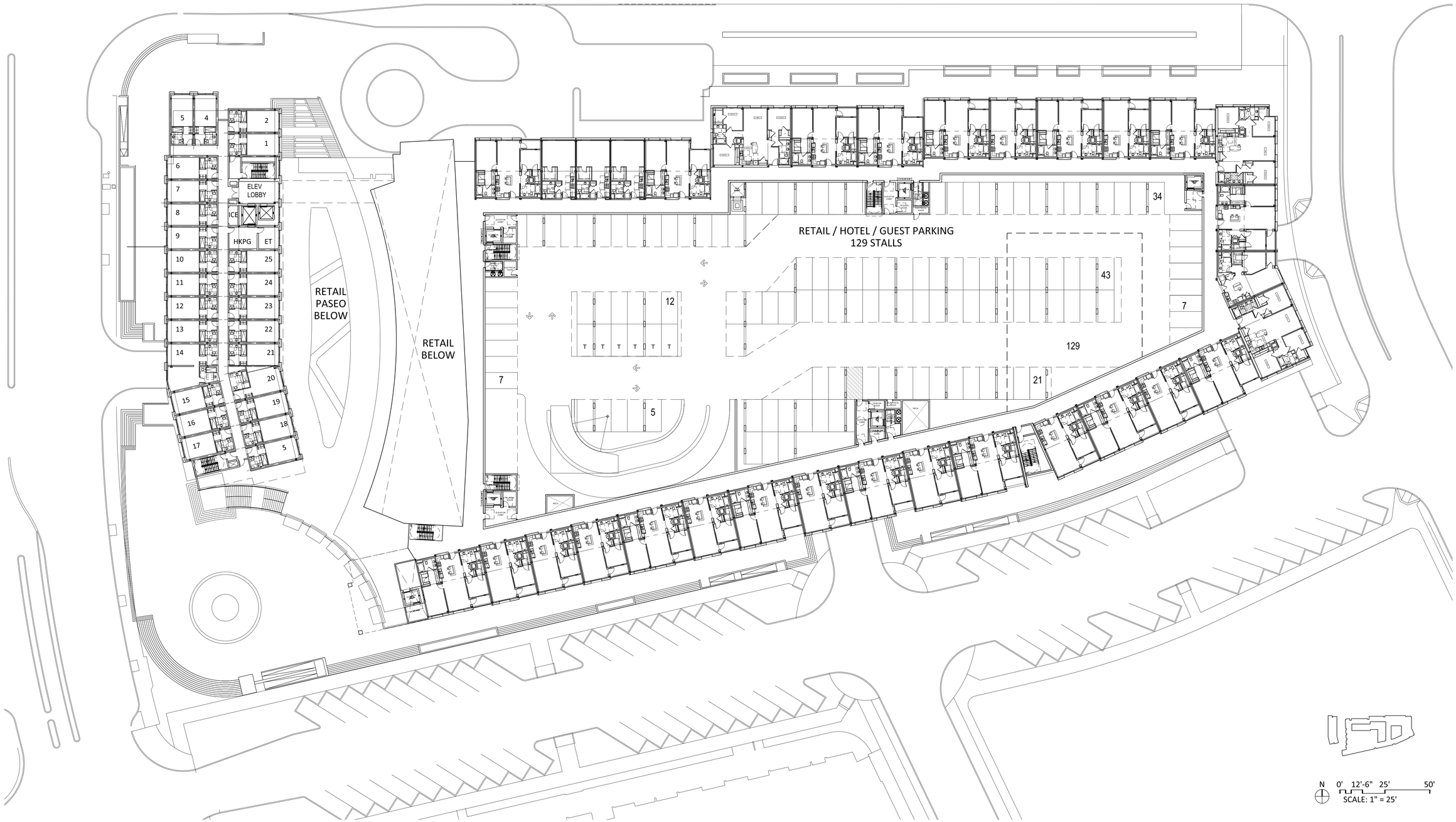
DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

LYON

3A-A5 SECOND FLOOR PLAN

October 5, 2015



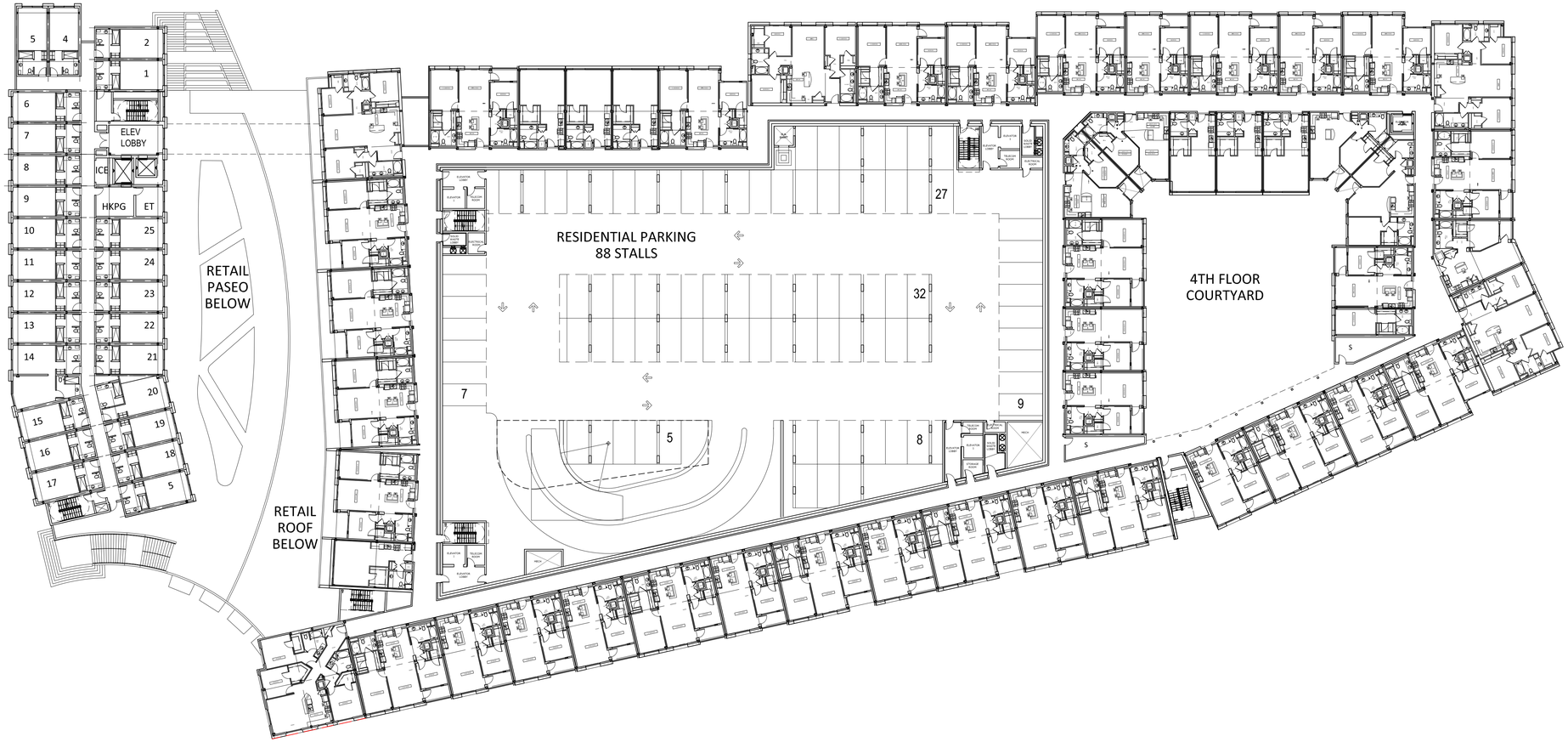
DISTRICT MILPITAS - LOT3A

3A-A6 THIRD FLOOR PLAN

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

LYON



N 0' 12'-6" 25' 50'
SCALE: 1" = 25'

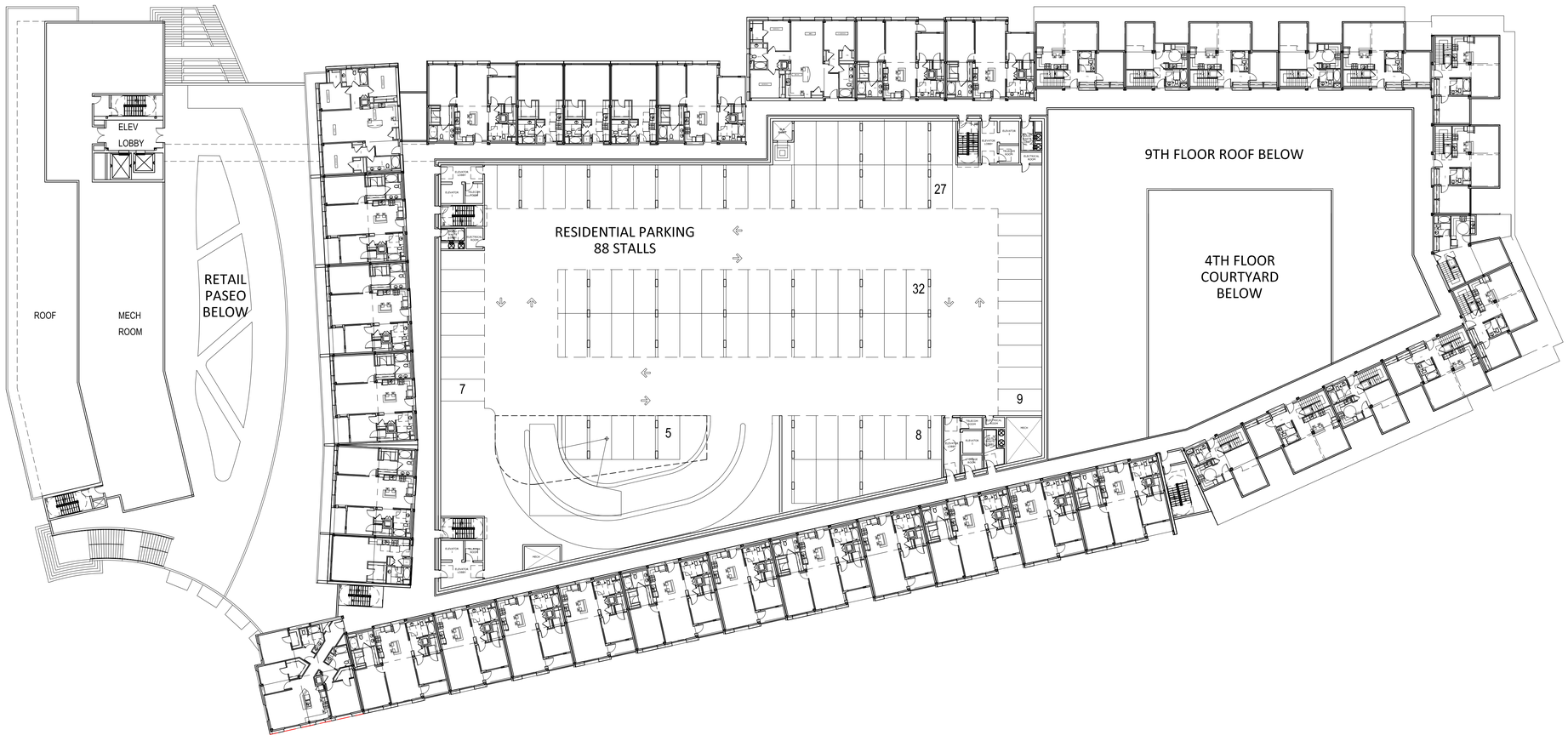
DISTRICT MILPITAS - LOT3A

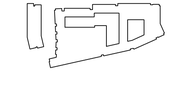
3A-A7 4TH-9TH FLOOR PLAN

October 5, 2015

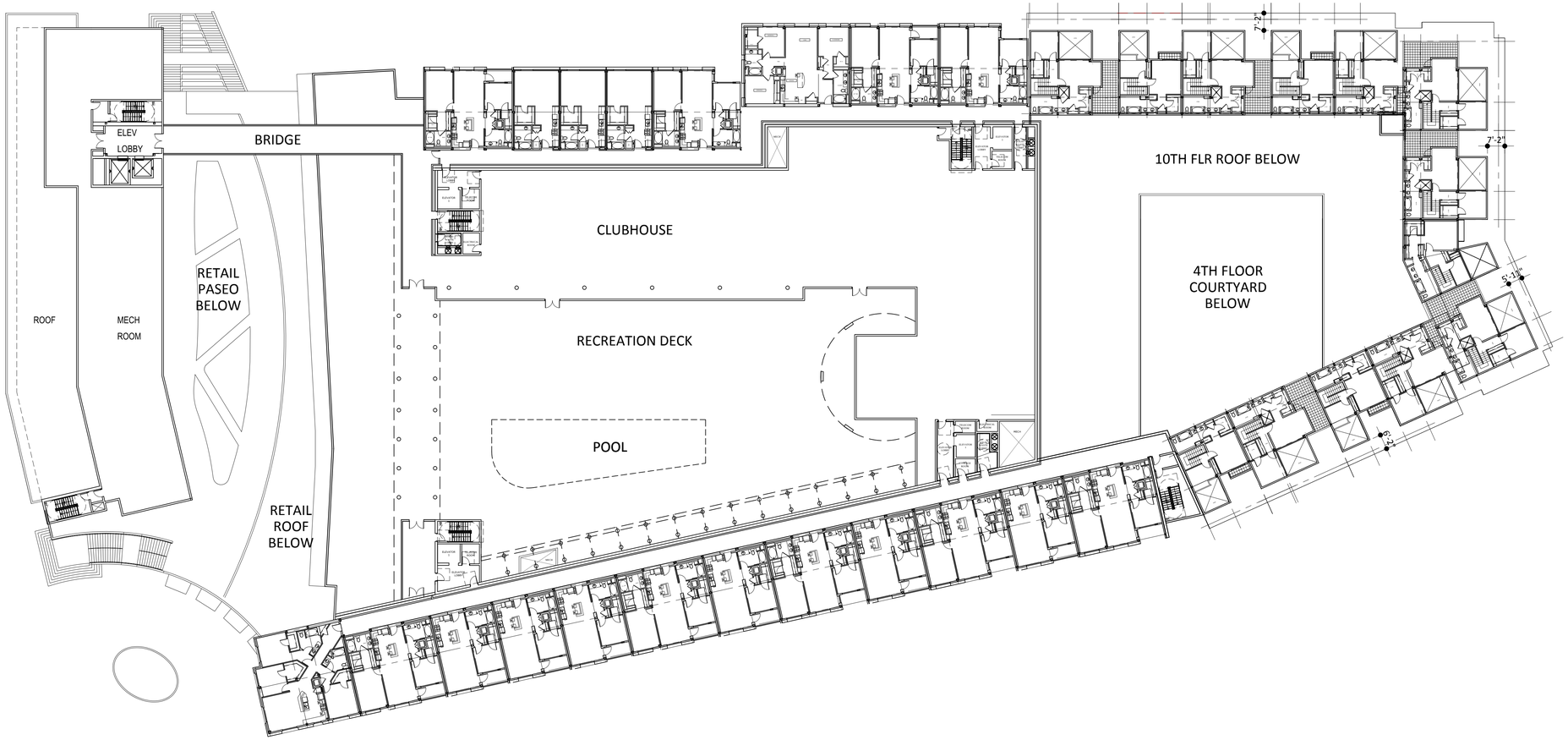
COE ARCHITECTURE INTERNATIONAL

LYON





N 0' 12'-6" 25' 50'
SCALE: 1" = 25'



N 0' 12'-6" 25' 50'
SCALE: 1" = 25'

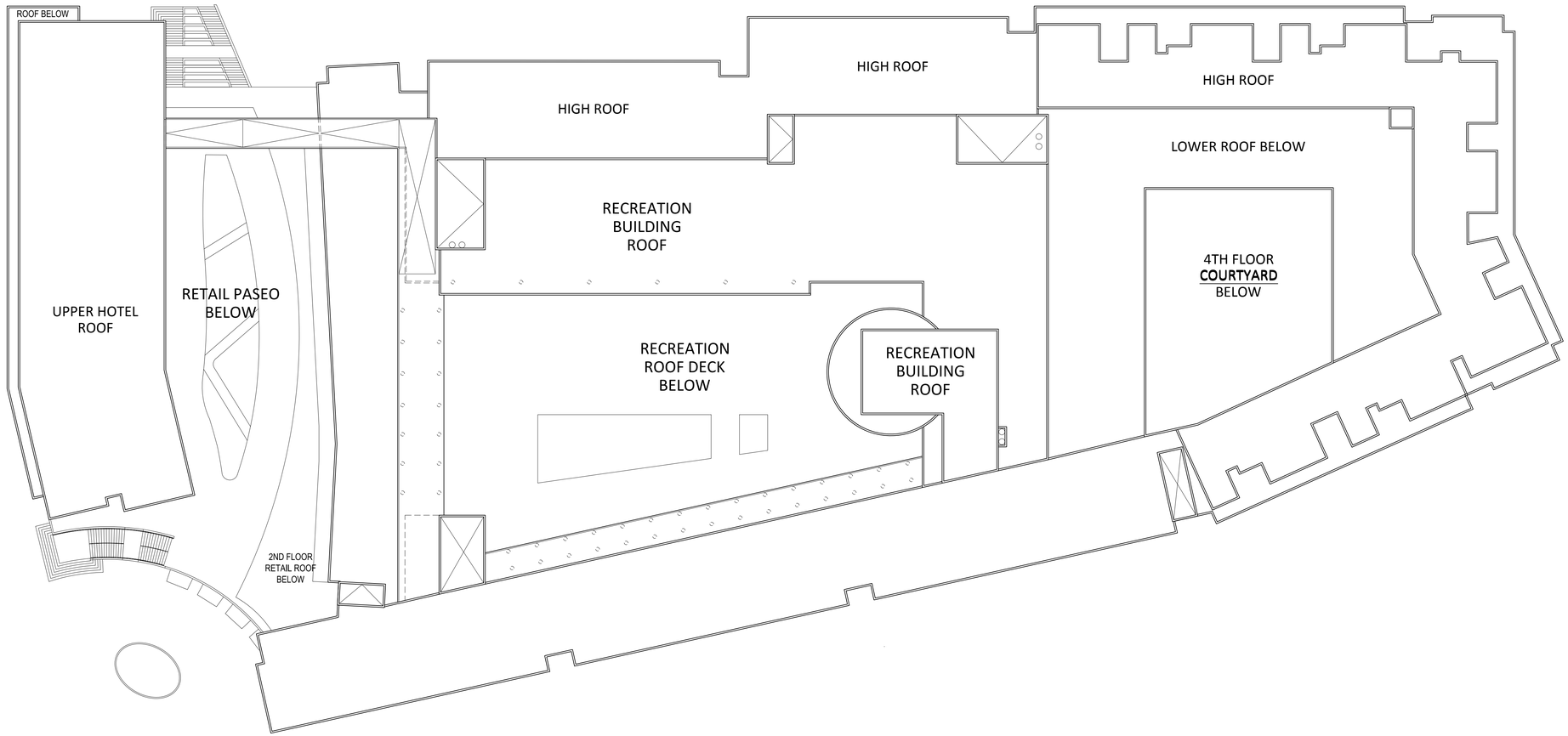
DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

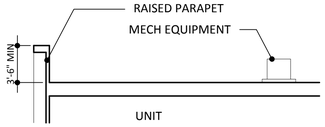
LYON

3A-A9 11TH FLOOR PLAN

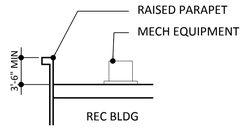
October 5, 2015



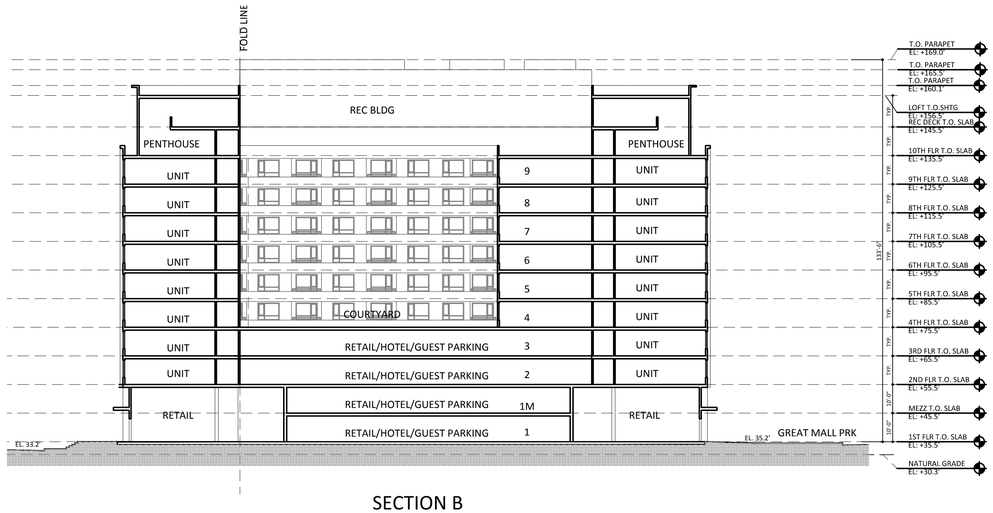
N 0' 12'-6" 25' 50'
SCALE: 1" = 25'



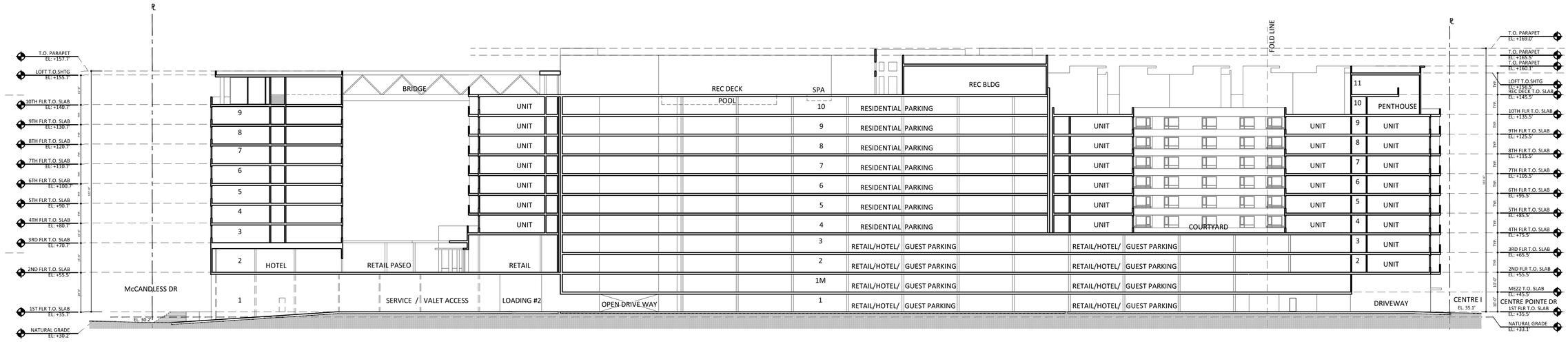
ROOF SECTION - EQUIPMENT SCREEN AT RESIDENTIAL
NTS



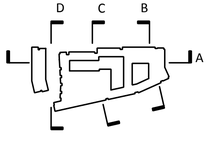
ROOF SECTION - EQUIPMENT SCREEN AT REC BUILDING
NTS



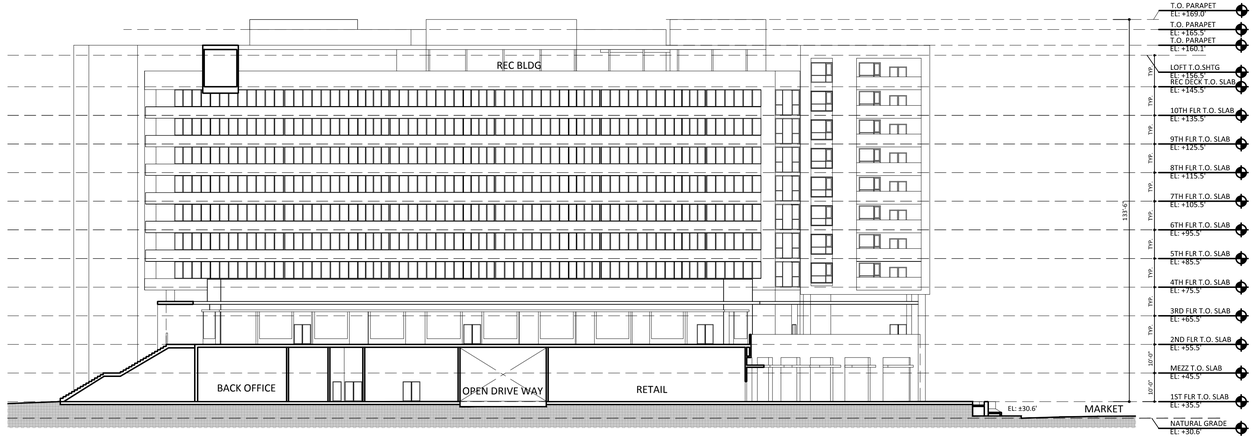
SECTION B



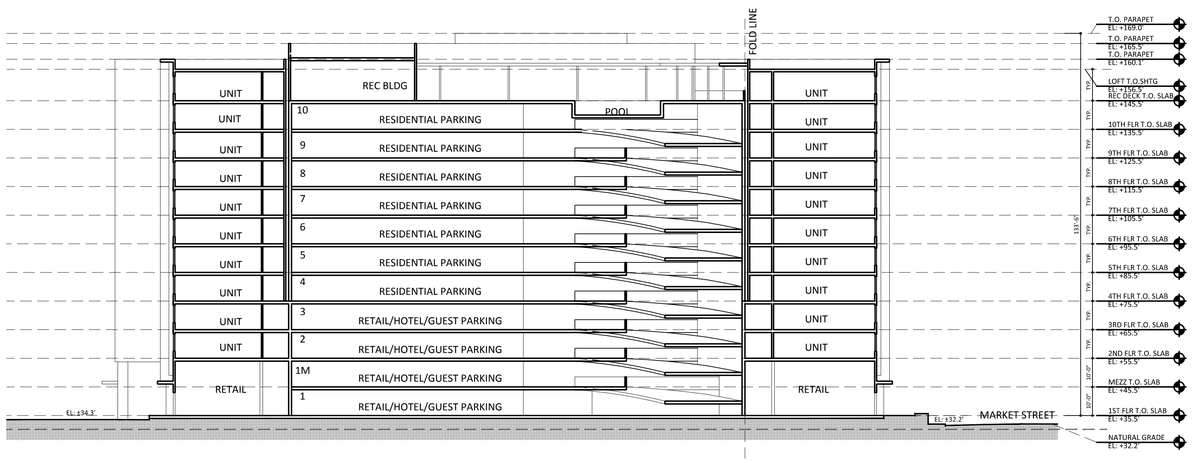
SECTION A



0' 12'-6" 25' 50'
SCALE: 1" = 25'

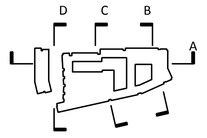


SECTION D



SECTION C

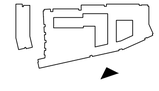
SITE SECTION



SOUTH ELEVATION

NORTH ELEVATION

NORTH



0' 12'-6" 25' 50'

SCALE: 1' = 25'

DISTRICT MILPITAS - LOT3A

3A-A13 BUILDING ELEVATIONS

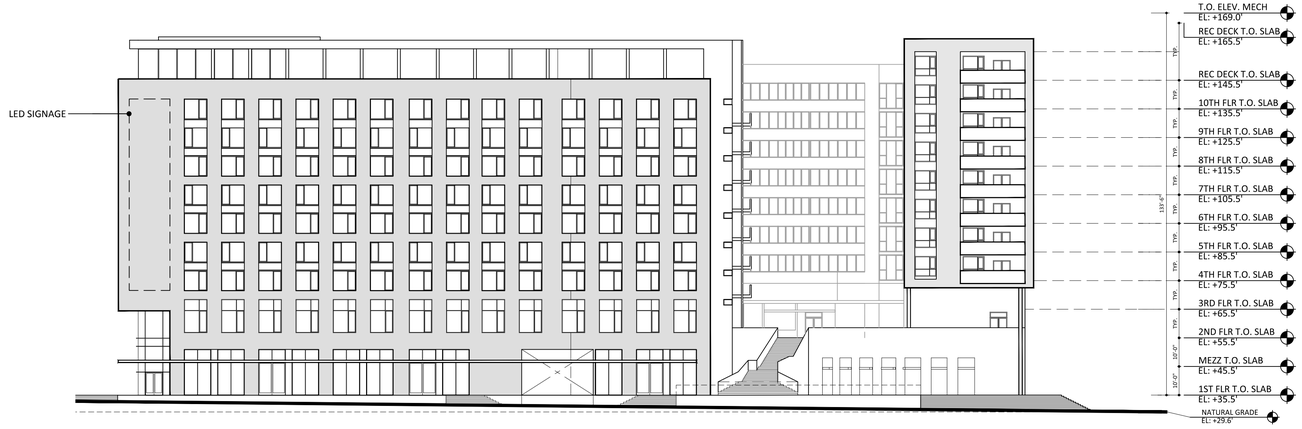
COE ARCHITECTURE INTERNATIONAL

LYON

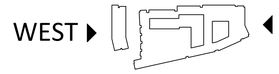
October 5, 2015

BOUNDARY LINE

EAST ELEVATION

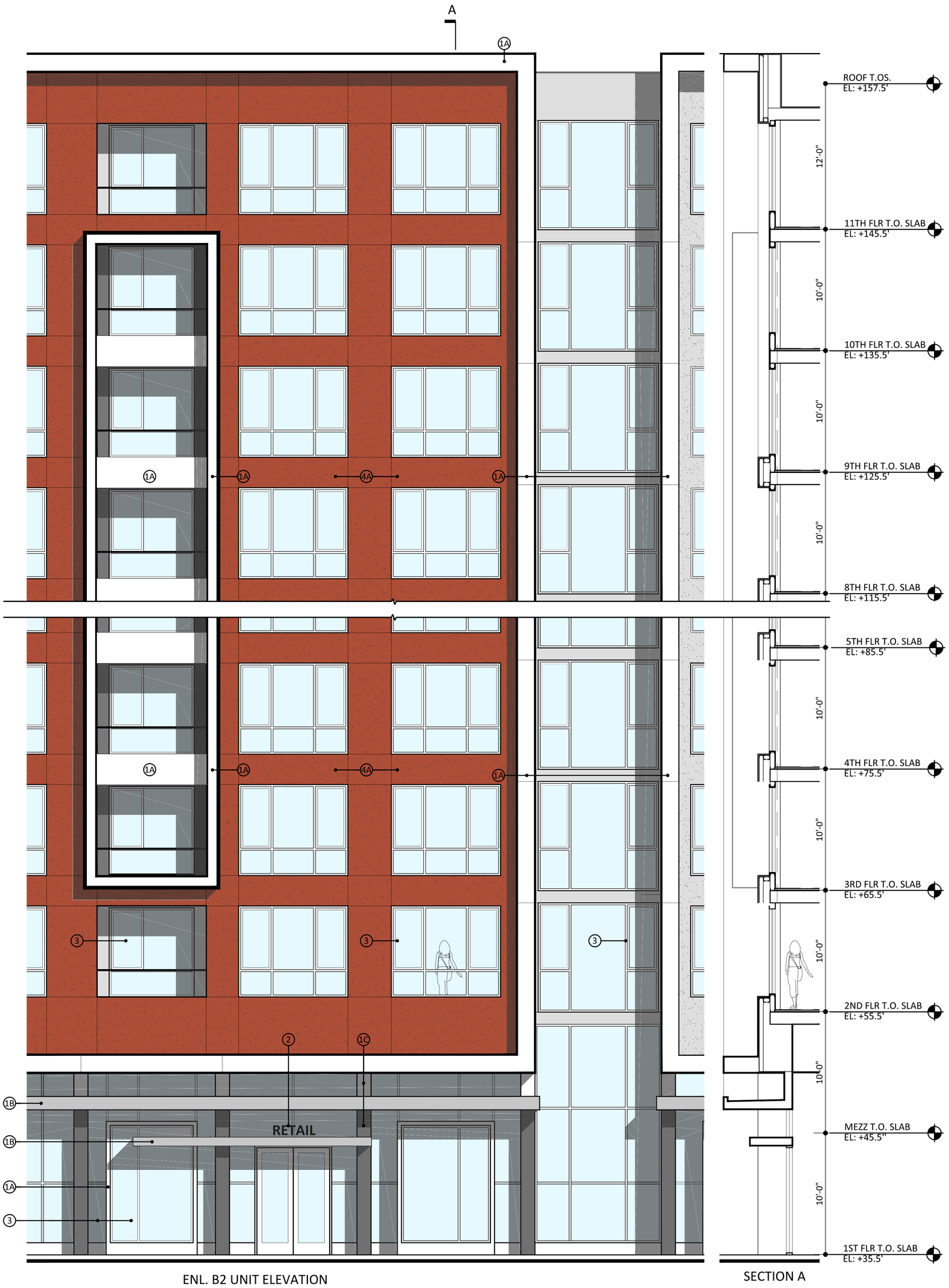


WEST ELEVATION



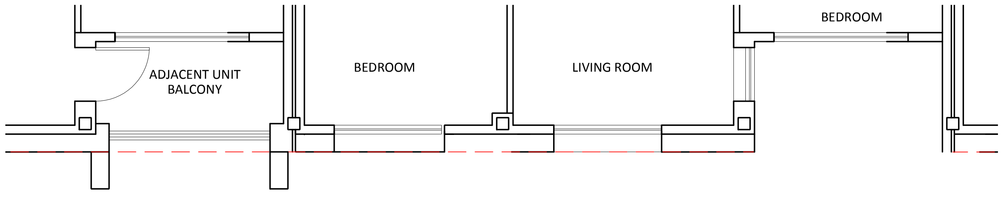
0' 12'-6" 25' 50'

SCALE: 1' = 25'

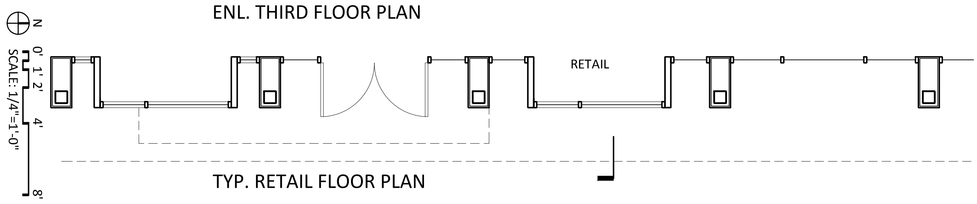


ENL. B2 UNIT ELEVATION

SECTION A



ENL. THIRD FLOOR PLAN



TYP. RETAIL FLOOR PLAN

RESIDENTIAL NORTH ELEV
MATERIALS LEGEND

1. METAL PANEL, COLORS A, B, C
2. FUTURE SIGNAGE
3. ALUMINUM WINDOW/DOOR
4. PAINTED PLASTER, COLORS A, B, C, D

RESIDENTIAL NORTH ELEV MATERIALS LEGEND

1. METAL PANEL, COLORS A, B, C
2. FUTURE SIGNAGE
3. ALUMINUM WINDOW/DOOR
4. PAINTED PLASTER, COLORS A, B, C, D

4D PAINTED PLASTER
SMOOTH FINISH
WHITE: DEW380

4C PAINTED PLASTER
SMOOTH FINISH
TAN: DEC721

4B PAINTED PLASTER (AT SOUTH ELEV)
SMOOTH FINISH
DARK GRAY: DE6376

1A METAL PANEL
WHITE: DEW380

1B METAL PANEL
LIGHT GRAY: DE6374

1C METAL PANEL
DARK GRAY: DE6376

3 ALUMINUM WINDOW/ DOOR

4A PAINTED PLASTER
SMOOTH FINISH
RED: DE5125

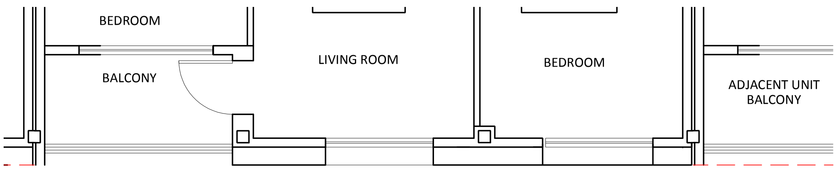
DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

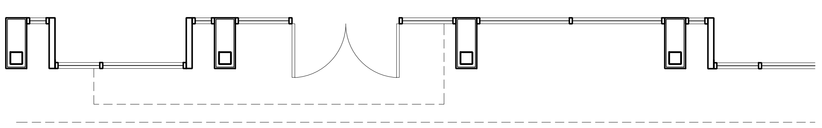
LYON

ENL. RESIDENTIAL ELEVATIONS AT PENTHOUSES

SECTION A



ENL. 4TH-9TH FLOOR PLAN



ENL. RETAIL FLOOR PLAN

RESIDENTIAL EAST ELEV
MATERIALS LEGEND

1. METAL PANEL, COLORS A, B, C
2. FUTURE SIGNAGE
3. ALUMINUM WINDOW/DOOR
4. PAINTED PLASTER, COLORS A, B

N

SCALE: 1/4"=1'-0"

0' 1' 2' 4' 8'

3A-A16 ENLARGED ELEVATION AT RESIDENTIAL

October 5, 2015

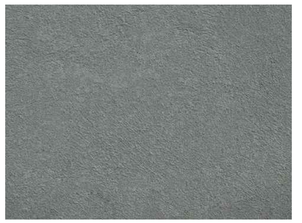
RESIDENTIAL EAST ELEV MATERIALS LEGEND

1. METAL PANEL, COLORS A, B, C
2. FUTURE SIGNAGE
3. ALUMINUM WINDOW/DOOR
4. PAINTED PLASTER, COLORS A, B

1C METAL PANEL
DARK GRAY: DE6376

4B PAINTED PLASTER
SMOOTH FINISH
WHITE: DEW380

1B METAL PANEL
LIGHT GRAY: DE6374



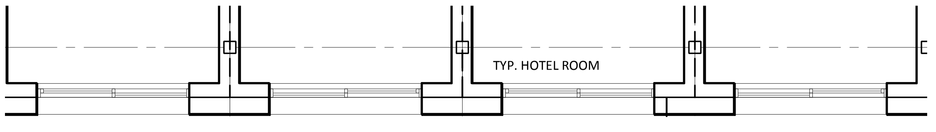
4A PAINTED PLASTER
SMOOTH FINISH
DARK GRAY: DE6376

1A METAL PANEL
WHITE: DEW380

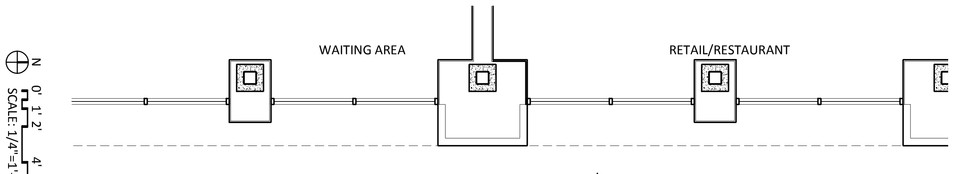
3 ALUMINUM WINDOW/ DOOR

ENL.HOTEL ELEVATION

SECTION A



ENL. THIRD FLOOR PLAN



TYP. RETAIL FLOOR PLAN AT HOTEL

HOTEL
MATERIALS LEGEND

1. METAL PANEL, COLORS A, B, C
2. FUTURE SIGNAGE
3. ALUMINUM WINDOW/DOOR
4. PAINTED PLASTER, COLORS A, B, C

HOTEL MATERIALS LEGEND

1. METAL PANEL, COLORS A, B, C
2. FUTURE SIGNAGE
3. ALUMINUM WINDOW/DOOR
4. PAINTED PLASTER, COLORS A, B, C

4C PAINTED PLASTER
SMOOTH FINISH
WHITE: DEW380

1C METAL PANEL
DARK GRAY: DE6376

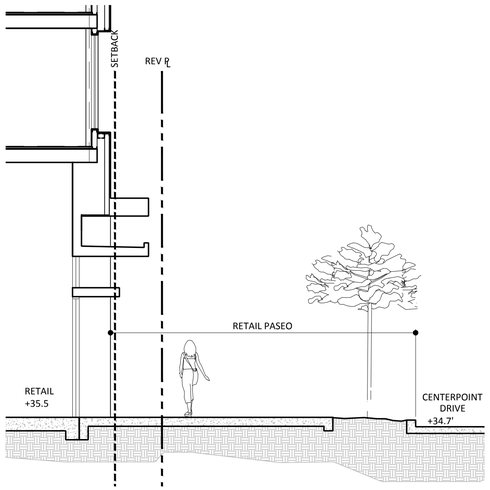
4B PAINTED PLASTER
SMOOTH FINISH
TAN: DEC721

1B METAL PANEL
LIGHT GRAY: DE6374

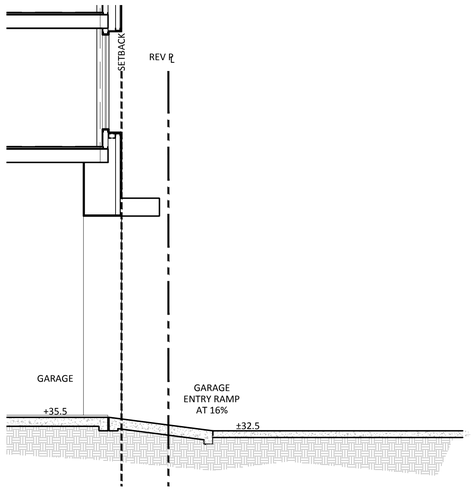
4A PAINTED PLASTER
SMOOTH FINISH
DARK GRAY: DE6376

1A METAL PANEL
WHITE: DEW380

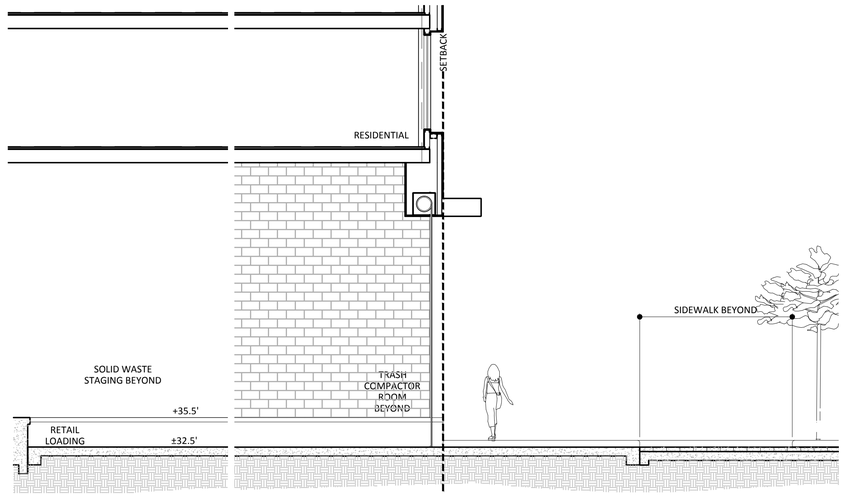
3 ALUMINUM WINDOW/ DOOR



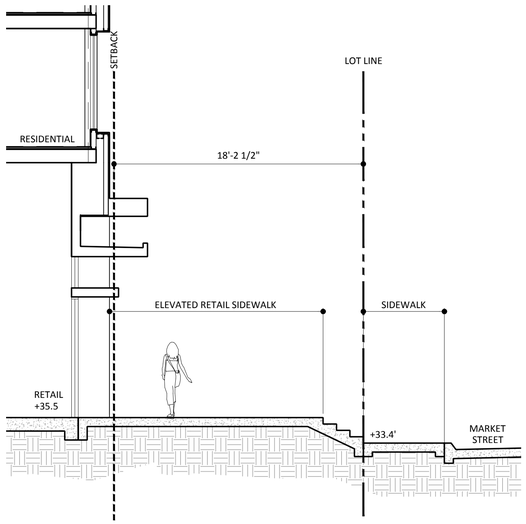
F. SECTION THRU RETAIL AT CENTRE POINTE DR.



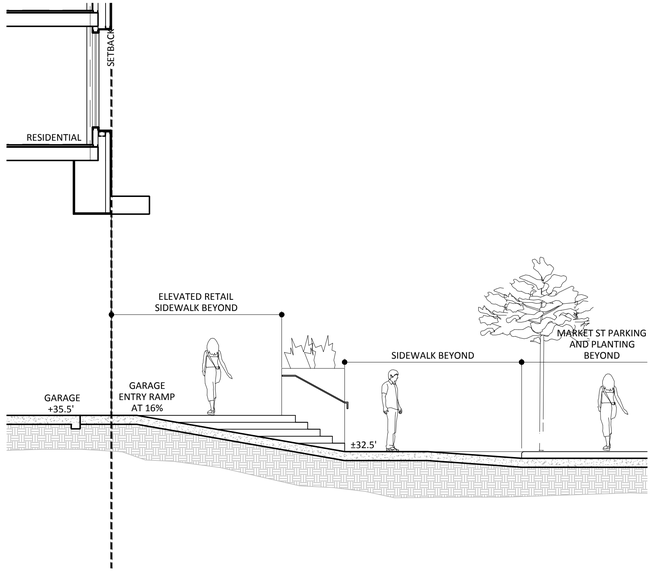
E. SECTION THRU CENTRE POINTE DR. GARAGE



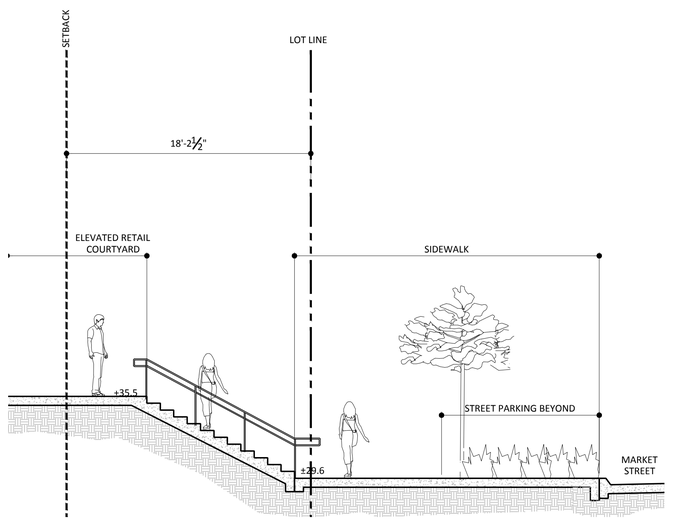
D. SECTION THRU RETAIL LOADING AREA



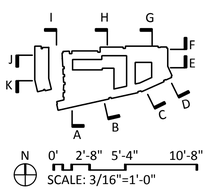
C. SECTION THRU MARKET STREET RETAIL



B. SECTION THRU GARAGE ENTRANCE AT MARKET ST.



A. SECTION THRU MARKET STREET COURTYARD



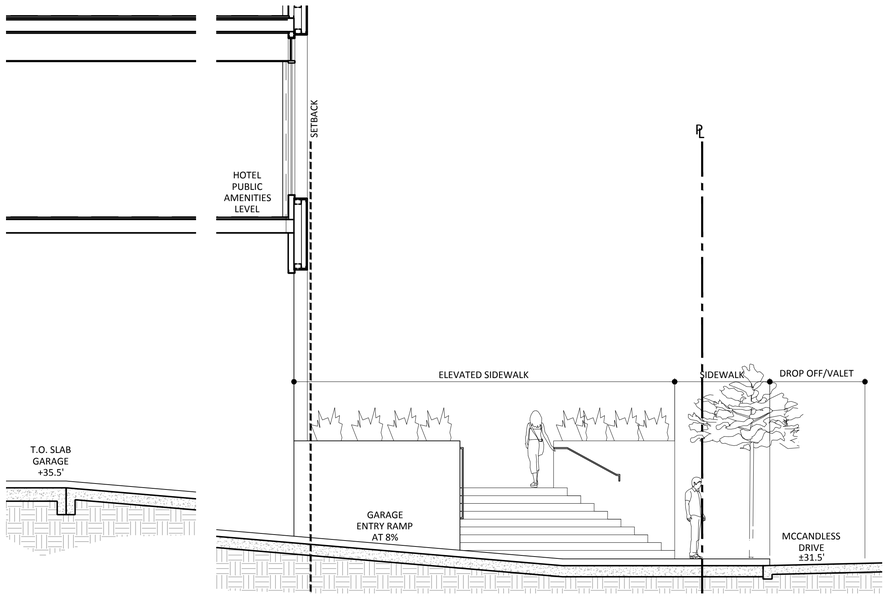
NOTES:

1. ALL DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN. MINIMUM BUIDING SETBACKS SHALL BE PER THE SETBACK TABLES APPROVED WITH THIS PROJECT.

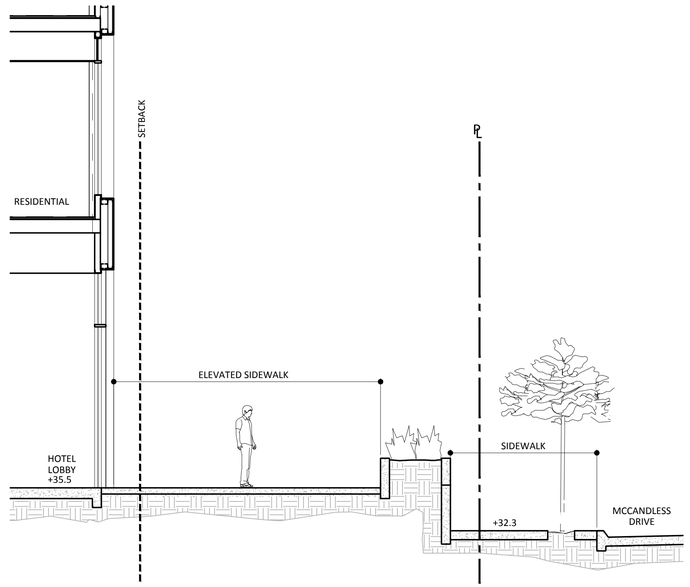
2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.

COE ARCHITECTURE INTERNATIONAL

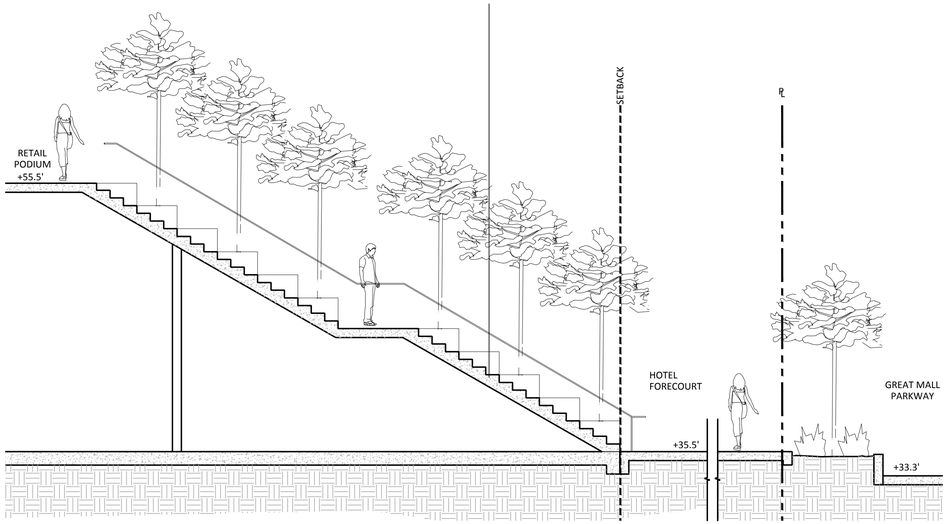
LYON



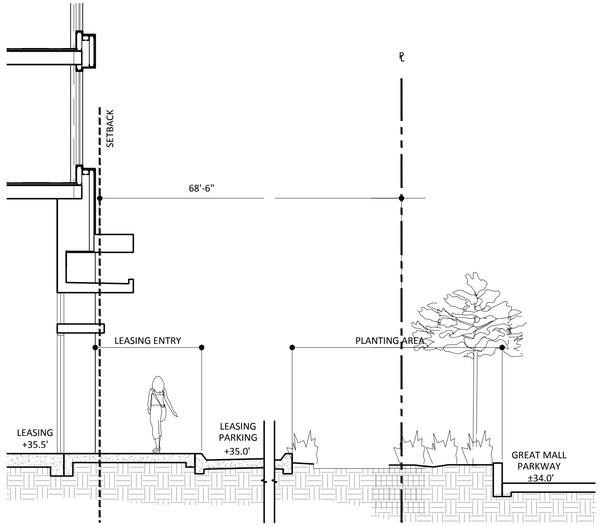
K. SECTION THRU WEST GARAGE ENTRANCE



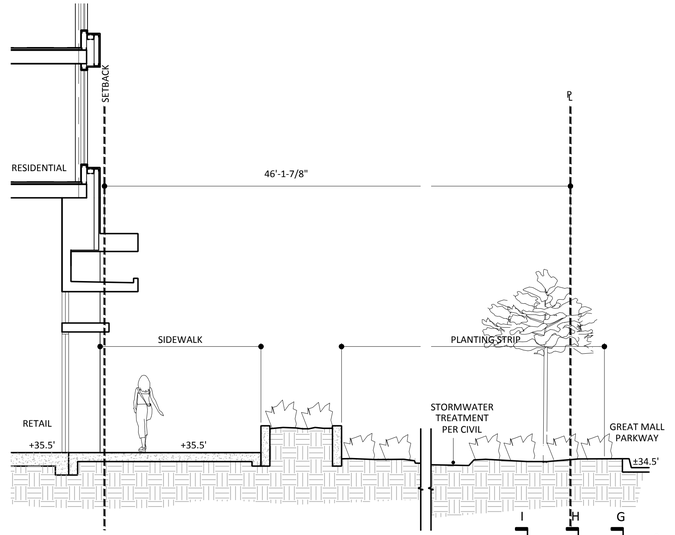
J. SECTION THRU HOTEL AT WEST SIDE



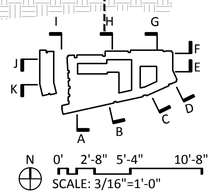
I. SECTION THRU GRAND STAIRCASE TO RETAIL PODIUM



H. SECTION THRU GREAT MALL PARKWAY LEASING



G. SECTION THRU GREAT MALL PARKWAY RETAIL



NOTES:

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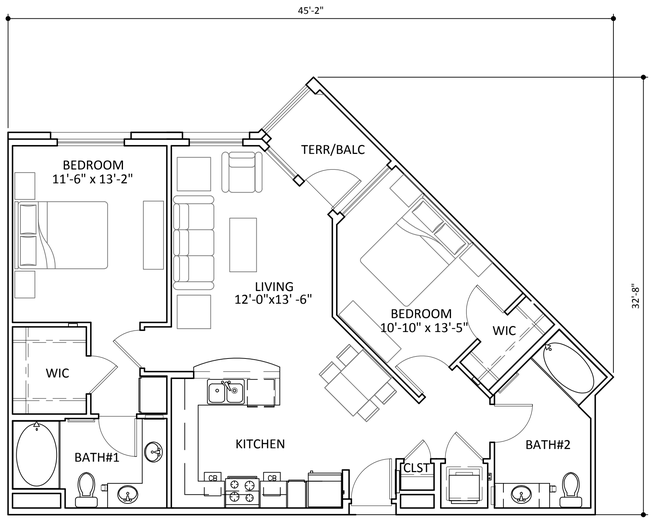
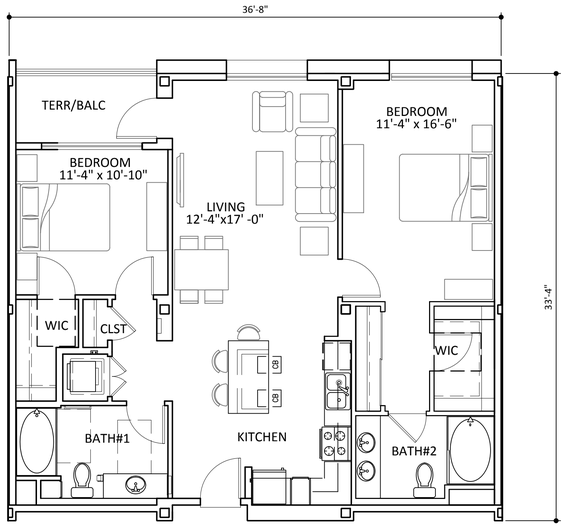
2. "SETBACK LINE" AS INDICATED ON THIS PLAN IS THE PRELIMINARY FACE OF BUILDING ONLY AND IS SUBJECT TO FINAL DESIGN.



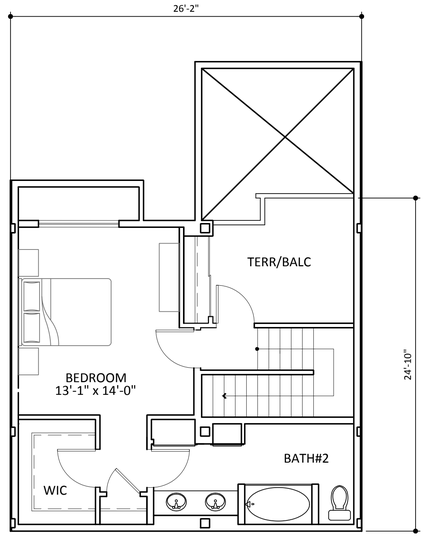
UNIT B2

2 BEDROOM - 2 BATH
LIVABLE AREA: 1002 RSF
BALCONY AREA: 47 RSF

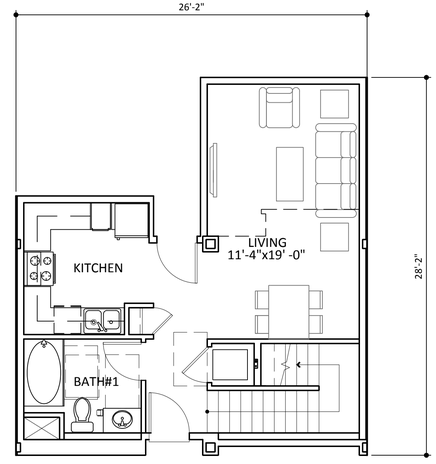


UNIT B1

2 BEDROOM - 2 BATH
LIVABLE AREA: 1054 RSF
BALCONY AREA: 58 RSF



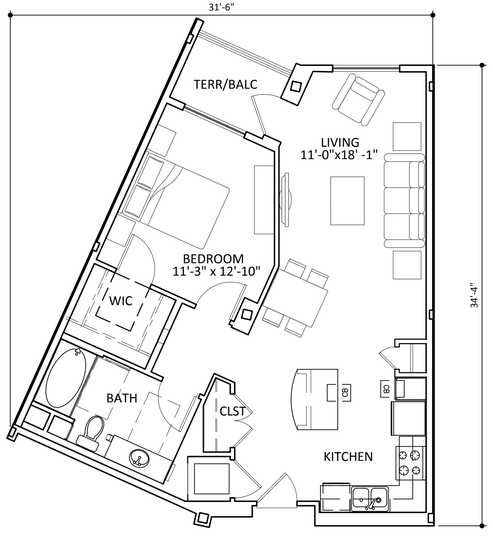
SECOND FLOOR / LOFT



FIRST FLOOR

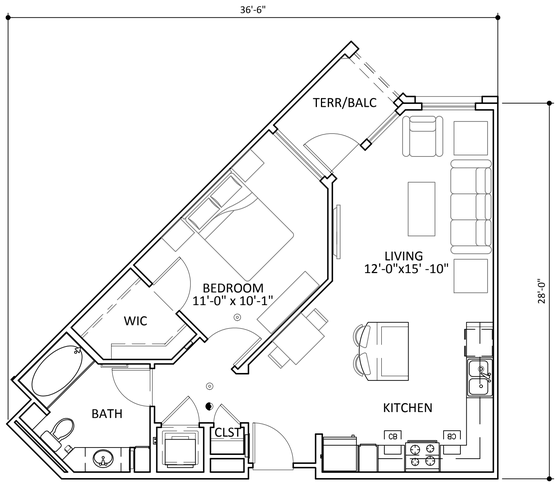
UNIT PH1

1 BEDROOM - 2 BATH
LIVABLE AREA: 907 RSF
BALCONY AREA: 104 RSF



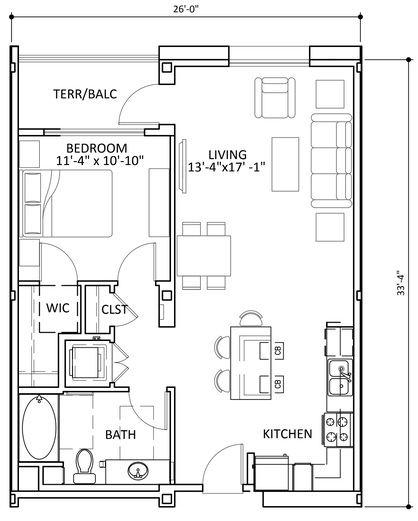
UNIT A3

1 BEDROOM - BATH
LIVABLE AREA: 732 RSF
BALCONY AREA: 41 RSF



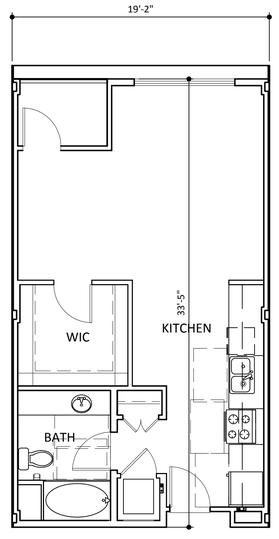
UNIT A2

1 BEDROOM - BATH
LIVABLE AREA: 702 RSF
BALCONY AREA: 46 RSF



UNIT A1

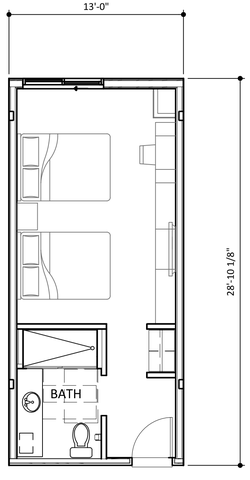
1 BEDROOM - 1 BATH
LIVABLE AREA: 728 RSF
BALCONY AREA: 57 RSF



UNIT S1

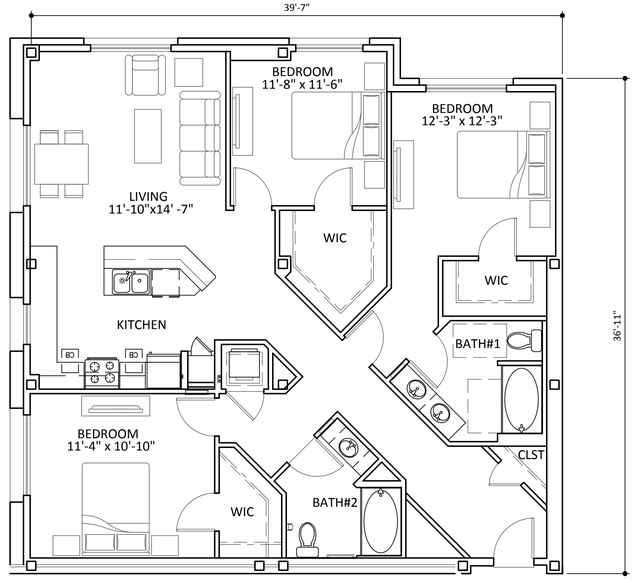
1 BEDROOM - 1 BATH STUDIO
LIVABLE AREA: 552 RSF
BALCONY AREA: 33 RSF

0' 2'-8" 5'-4" 10'-8"
SCALE : 3/16"=1'-0"



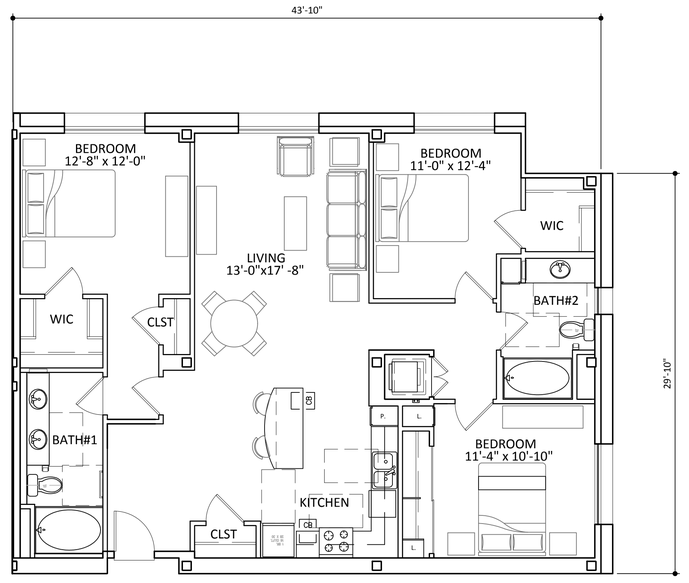
HOTEL UNIT

BEDROOM - BATH
LIVABLE AREA: 325 RSF
BALCONY AREA: 0 RSF



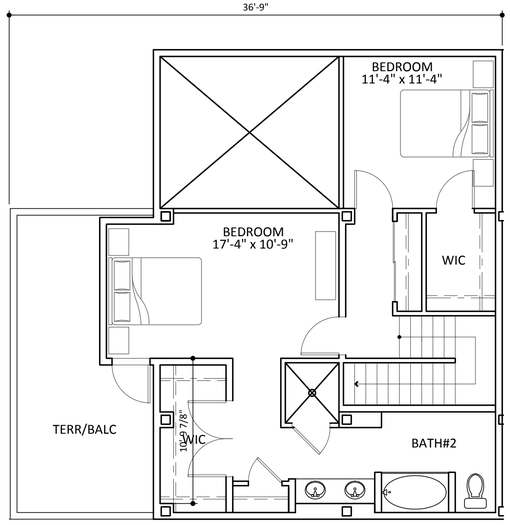
UNIT C2

3 BEDROOM - 2 BATH
LIVABLE AREA: 1422 RSF
BALCONY AREA: 0 RSF

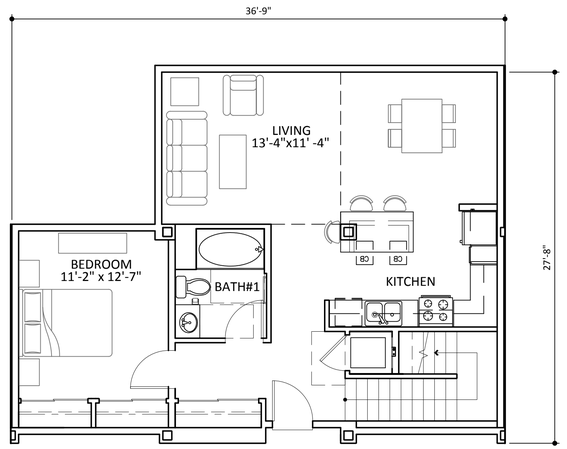


UNIT C1

3 BEDROOM - 2 BATH
LIVABLE AREA: 1325 RSF
BALCONY AREA: 0 RSF



SECOND FLOOR / LOFT



FIRST FLOOR

UNIT PH2

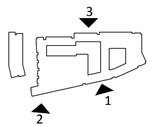
3 BEDROOM - 2 BATH
LIVABLE AREA: 1631 RSF
BALCONY AREA: 181 RSF

0' 2'-8" 5'-4" 10'-8"
SCALE : 3/16"=1'-0"

1

2

3



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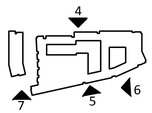

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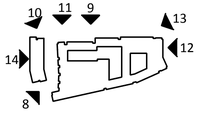

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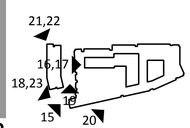


GREAT MALL PARKWAY

EL: +33.9'

EL: +34.9'

EL: +35.3'

EL: +35.5'

A

FIRE COMMAND CENTER

RESIDENTIAL LEASING 2221 GSF

RESIDENTIAL LOBBY #2

GARAGE ENTRANCE

RETAIL #6

RETAIL #5

RETAIL #4

RESIDENTIAL LOBBY #1

7

25

1

STEP 1

STEP 2

STEP 3

STEP 4

STEP 5

STEP 6

STEP 7

TRASH ROOM 2

VAN

RETAIL / HOTEL / GUEST PARKING
92 STALLS

LONG TERM BICYCLE STORAGE

OFFICE

(TOTAL) BACK OF HOUSE 4585 SF

DOCK LIFT

TRASH ROOM

HOTEL WASTE STAGING

FIRE PUMP ROOM

VTA BICYCLE SHARING STATION

60

LOADING #2

SERVICE / VALET

LOADING DOCK

DOCK OFFICE

SOLID WASTE DOCK

TRUCK DOCK

RECYCLE

WASTE

ELEC. TRANS.

2% RAMP

EL: +35.1'

CENTRE POINTE DRIVE

UP

DN

BICYCLE STORAGE

RETAIL WASTE STAGING

LEVEL 2 RETAIL WASTE ROOM

RETAIL #3

EL: +35.5'

EL: +33.4'

RETAIL #1

RESIDENTIAL LOBBY #3

RETAIL #2

GARAGE ENTRANCE

8% RAMP AT 40'-0"

EL: +33.0

8% RAMP AT 36'-0"

8% RAMP AT 34'-0"

EL: +32.7'

EL: +32.5'

EL: +31.6'

MARKET STREET

SOLID WASTE MANAGEMENT PLAN - RESIDENTIAL WASTE - FIRST FLOOR

N

0' 5' 10' 20' 30' 40'

SCALE : 1:20

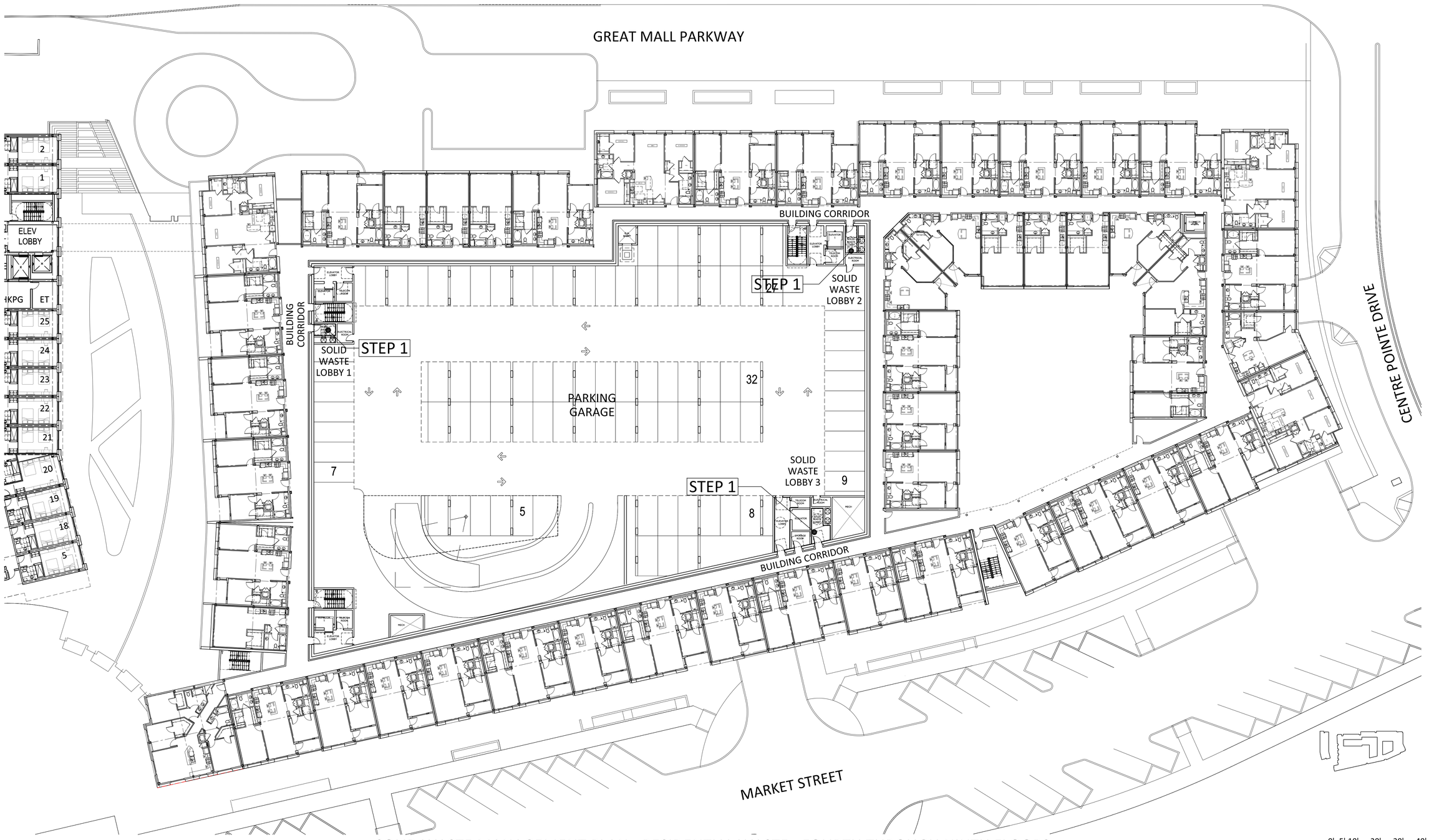
DISTRICT MILPITAS - LOT3A

3A-A27 - SOLID WASTE MANAGEMENT PLAN

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

LYON



SOLID WASTE MANAGEMENT PLAN - RESIDENTIAL WASTE -FOURTH THROUGH NINTH FLOORS

N 0' 5' 10' 20' 30' 40'
SCALE : 1:20

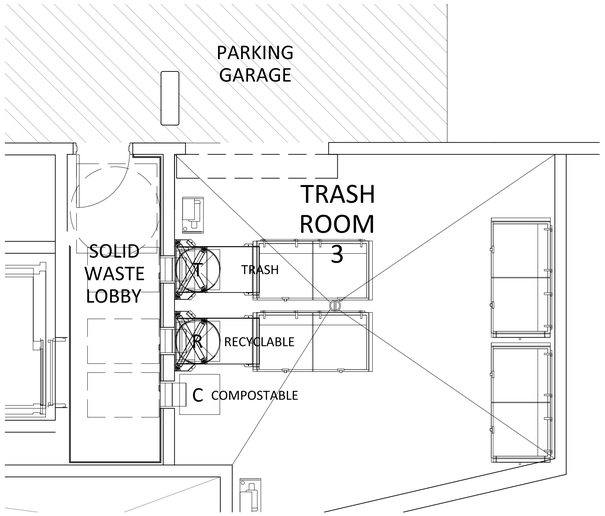
DISTRICT MILPITAS - LOT3A

3A-A28 - SOLID WASTE MANAGEMENT PLAN

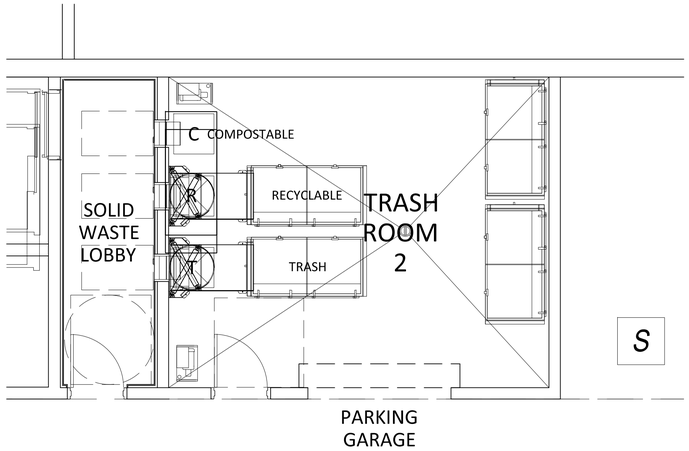
COE ARCHITECTURE INTERNATIONAL

LYON

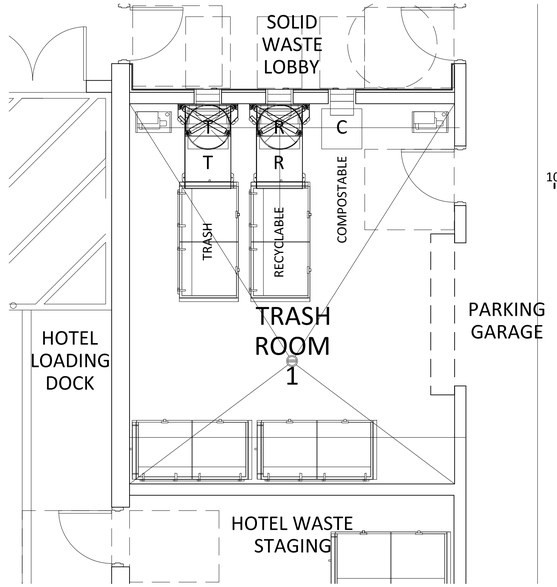
October 5, 2015



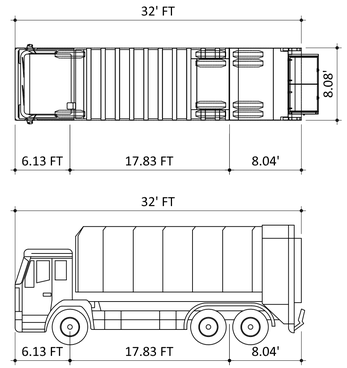
TRASH ROOM 3 AREA PLAN



TRASH ROOM 1 AREA PLAN



TRASH ROOM 2 AREA PLAN



HAULING TRUCK DIAGRAM

SOLID WASTE MANAGEMENT NOTES:

STEP 1: RESIDENTS ENTER SOLID WASTE LOBBIES LOCATED AT EACH FLOOR OF THE BUILDING TO DEPOSIT SOLID WASTE AND RECYCLABLES INTO 2 - 30" DIAMETER CHUTES VIA 15" X 15" SINGLE HINGE THRU WALL ACCESS DOORS.

STEP 2: SOLID WASTE AND RECYCLABLES DEPOSITED IN CHUTES ARE COLLECTED IN THE 1ST FLOOR TRASH ROOM (LOCATED WITHIN THE GARAGE) IN 2 CUBIC YARD TRASH CONTAINERS. A SMART TRASH SYSTEM WILL NOTIFY BUILDING MANAGEMENT WHEN TRASH BINS ARE FULL.

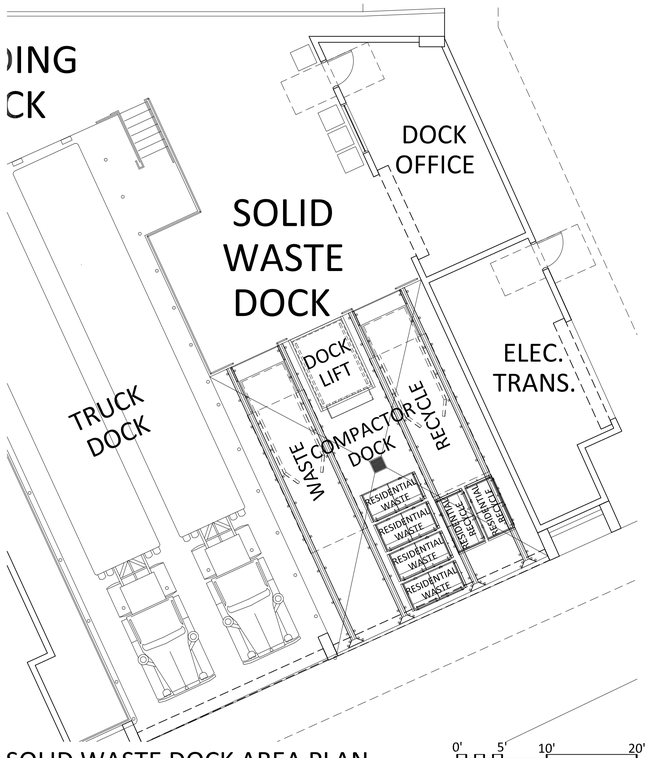
STEP 3: COMPOSTABLE WASTE IS DISPOSED OF IN GROUND FLOOR SOLID WASTE LOBBIES VIA A 15" X 15" SINGLE HINGE THRU WALL ACCESS DOORS INTO TRASH ROOMS. COMPOSTABLES ARE COLLECTED IN 64 GALLON "TOTER STYLE" CONTAINER CARTS.

STEP 4: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE CARTED FROM TRASH ROOMS 1, 2 AND 3 TO THE SOLID WASTE DOCK (WITHIN THE GARAGE & NEIGHBORING THE LOADING DOCK.)

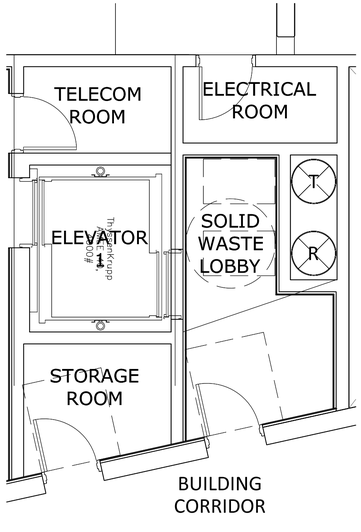
STEP 5: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE PLACED ON THE DOCK LIFT AND LOWERED TO THE LEVEL OF THE COMPACTOR DOCK.

STEP 6: ALL SOLID WASTE, RECYCLABLES AND COMPOSTABLES ARE STORED IN THE COMPACTOR DOCK FOR PICK UP BY THE CITY'S FRANCHISE WASTE VENDOR, REPUBLIC SERVICES .

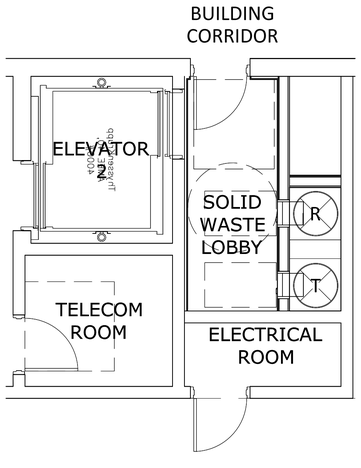
STEP 7: AFTER TRASH BINS ARE EMPTIED THEY ARE REPLACED IN TRASH ROOMS 1, 2 AND 3 FOR STORAGE AND REUSE.



SOLID WASTE DOCK AREA PLAN



FLRS 2-11 RESIDENTIAL
SOLID WASTE LOBBY 3 PLAN



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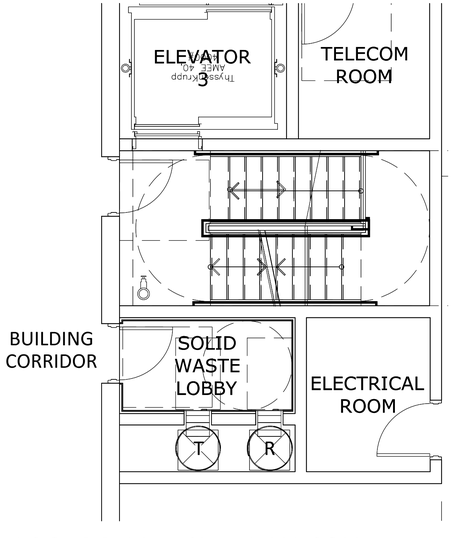
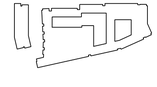
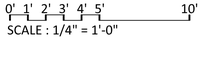
SOLID WASTE LOBBY 2 PLAN

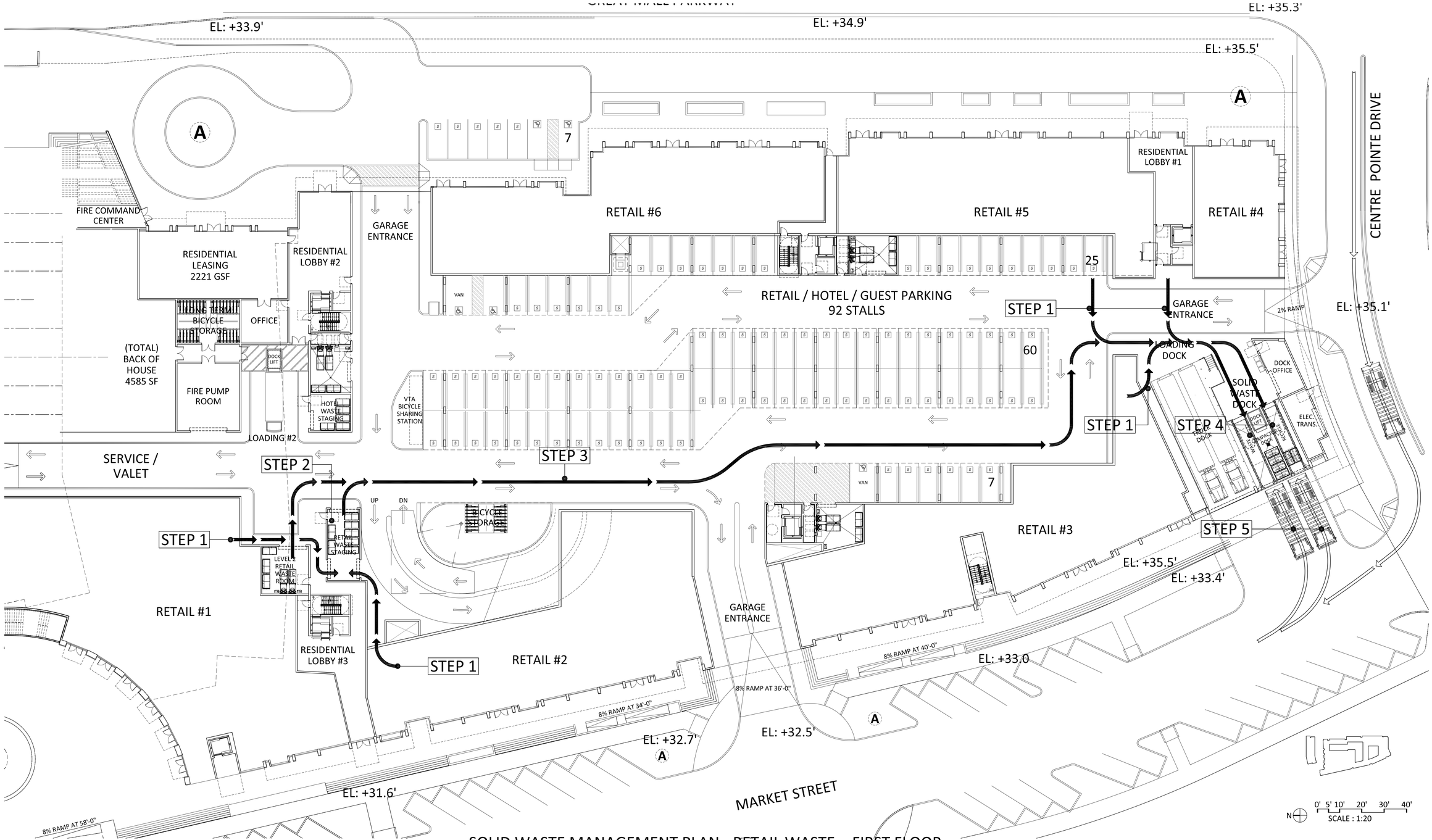


FLOORS 2-11 RESIDENTIAL SOLID
WASTE LOBBY 1 PLAN

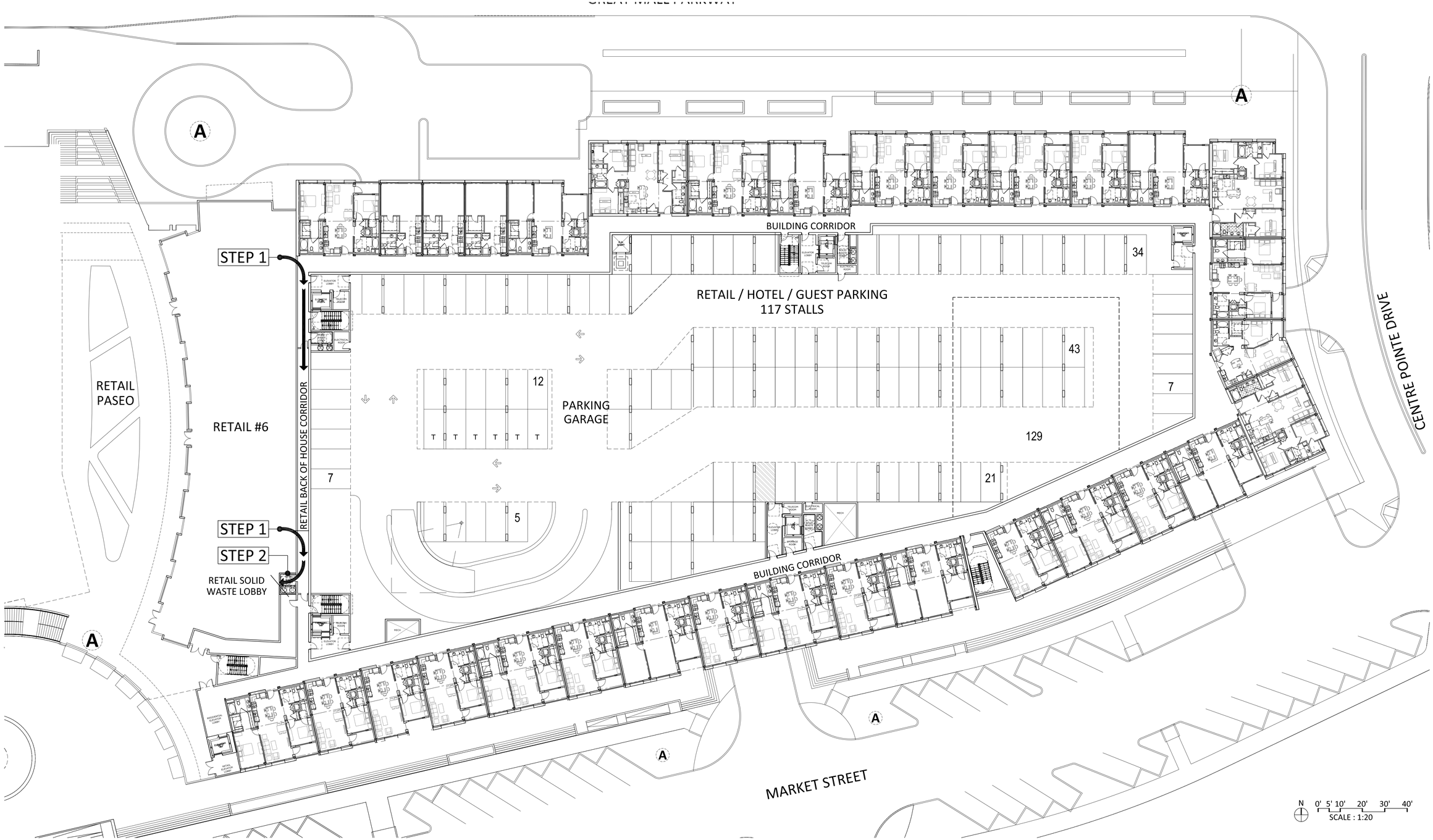




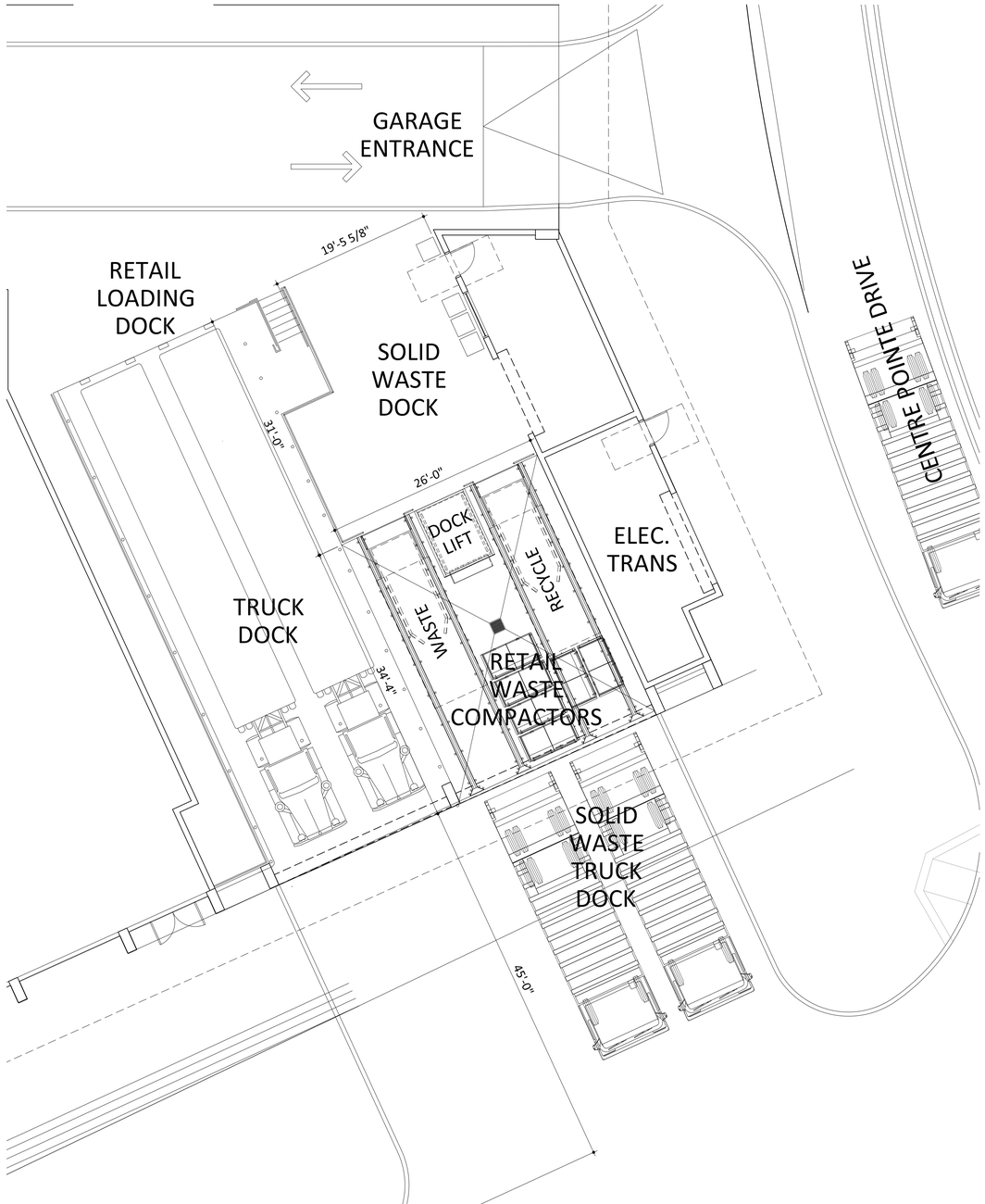
SOLID WASTE MANAGEMENT PLAN - RESIDENTIAL WASTE DIAGRAMS



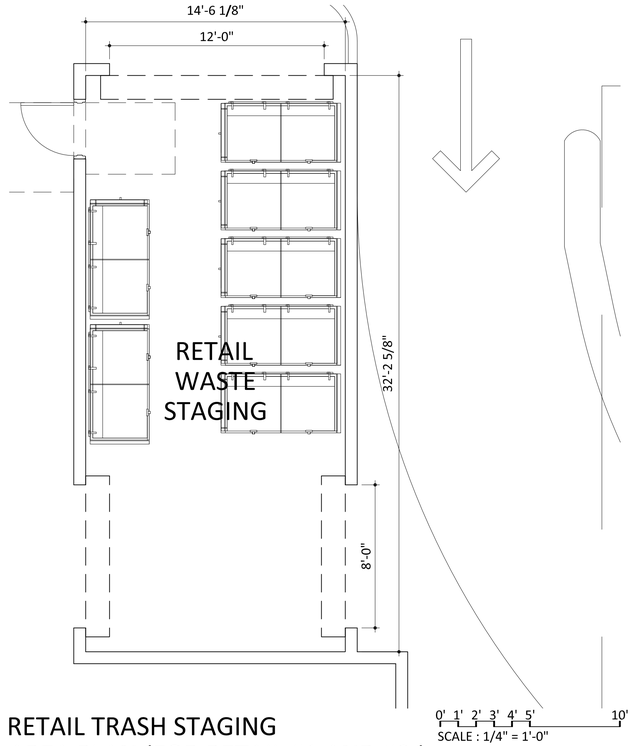
SOLID WASTE MANAGEMENT PLAN - RETAIL WASTE - FIRST FLOOR



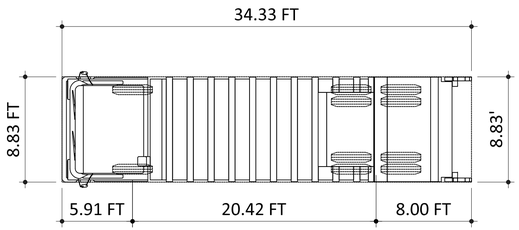
SOLID WASTE MANAGEMENT PLAN - RETAIL WASTE -SECOND FLOOR

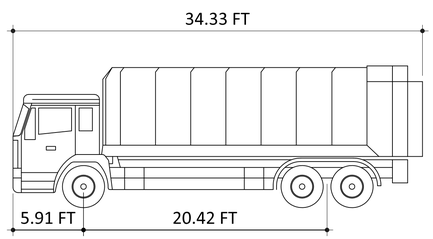


RETAIL TRASH DOCK AREA PLAN



RETAIL TRASH STAGING AREA PLAN (FOR RETAIL #1 AND #2.)





RETAIL HAULING TRUCK DIAGRAM

0' 5' 10' 20'
SCALE : 1/8" = 1'-0"

SOLID WASTE MANAGEMENT NOTES:

STEP 1: RETAIL TENANTS COLLECT AND REMOVE SOLID WASTE AND RECYCLABLES FROM THEIR TENANCY VIA WHEELED CARTS.

STEP 2: FOR RETAIL AREAS #1 AND #2 ONLY, COLLECTED SOLID WASTE AND RECYCLABLES CARTS ARE DEPOSITED IN THE RETAIL WASTE STAGING AREA (LOCATED WITHIN THE FIRST FLOOR GARAGE.)
FOR RETAIL AREA #6 ONLY, COLLECTED SOLID WASTE AND RECYCLABLES ARE DEPOSITED IN THE RETAIL SOLID WASTE CHUTES LOCATED IN THE 2ND LEVEL RETAIL SOLID WASTE LOBBY.

STEP 3: A SMALL TRACTOR IS USED TO DRAG THE WASTE AND RECYCLABLES FILLED CARTS FROM THE RETAIL WASTE STORAGE AREA AND LEVEL 2 SOLID WASTE ROOM TO THE SOLID WASTE DOCK.

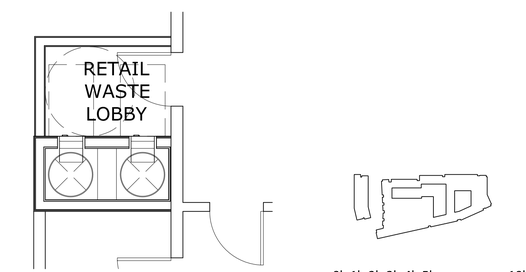
STEP 4: WASTE FILLED CARTS ARE EMPTIED INTO THE COMPACTORS USING A CART LIFTING SYSTEM.

STEP 5: COMPACTORS ARE REMOVED FROM THE RETAIL WASTE DOCK BY THE CITY'S FRANCHISE WASTE VENDOR, REPUBLIC SERVICES .

STEP 6: EMPTY COMPACTORS ARE DRAGGED OFF OF THE CITY'S FRANCHISE WASTE VENDOR'S TRUCKS VIA WINCH TO REPLACE THE REMOVE FULL COMPACTORS.

STEP 7: EMPTIED CARTS ARE REMOVED FROM THE RETAIL WASTE DOCK AND RETURNED TO THEIR RETAIL TENANCY.

RETAIL SOLID WASTE COLLECTION AREA PLAN (FOR RETAIL AREA #6.)



RETAIL WASTE LOBBY LEVEL 2 AREA PLAN (FOR RETAIL AREA #6.)

SOLID WASTE MANAGEMENT PLAN - RETAIL WASTE DIAGRAMS

SOLID WASTE MANAGEMENT NOTES:

STEP 1: HOTEL STAFF COLLECTS AND REMOVES SOLID WASTE AND RECYCLABLES FROM ROOMS AND VARIOUS HOTEL PROGRAM AREAS VIA WHEELED CARTS.

STEP 2: HOTEL WASTE AND RECYCLABLES ARE MOVED VIA CART TO HOTEL TRASH STAGING AREA.

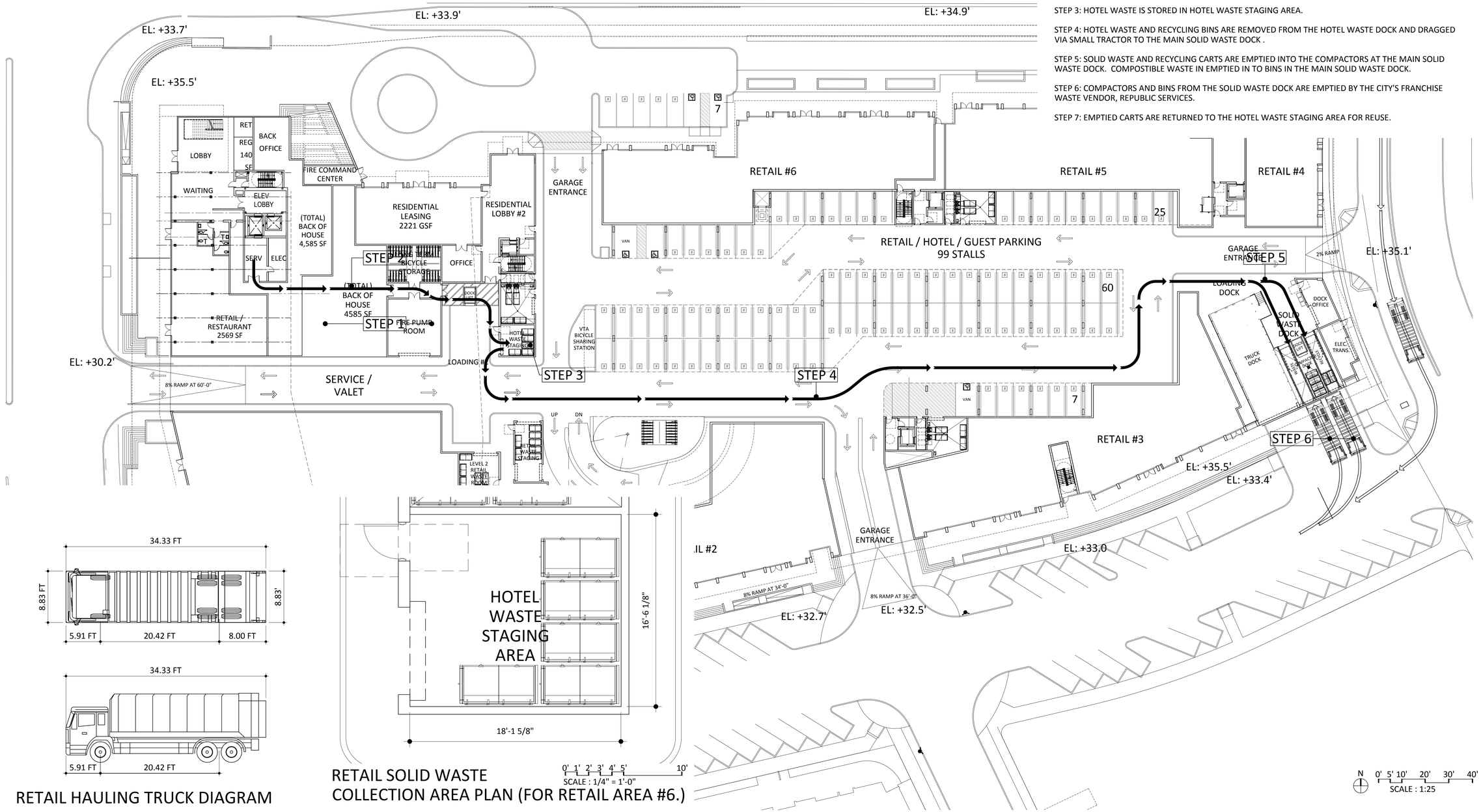
STEP 3: HOTEL WASTE IS STORED IN HOTEL WASTE STAGING AREA.

STEP 4: HOTEL WASTE AND RECYCLING BINS ARE REMOVED FROM THE HOTEL WASTE DOCK AND DRAGGED VIA SMALL TRACTOR TO THE MAIN SOLID WASTE DOCK .

STEP 5: SOLID WASTE AND RECYCLING CARTS ARE EMPTIED INTO THE COMPACTORS AT THE MAIN SOLID WASTE DOCK. COMPOSTIBLE WASTE IN EMPTIED IN TO BINS IN THE MAIN SOLID WASTE DOCK.

STEP 6: COMPACTORS AND BINS FROM THE SOLID WASTE DOCK ARE EMPTIED BY THE CITY'S FRANCHISE WASTE VENDOR, REPUBLIC SERVICES.

STEP 7: EMPTIED CARTS ARE RETURNED TO THE HOTEL WASTE STAGING AREA FOR REUSE.



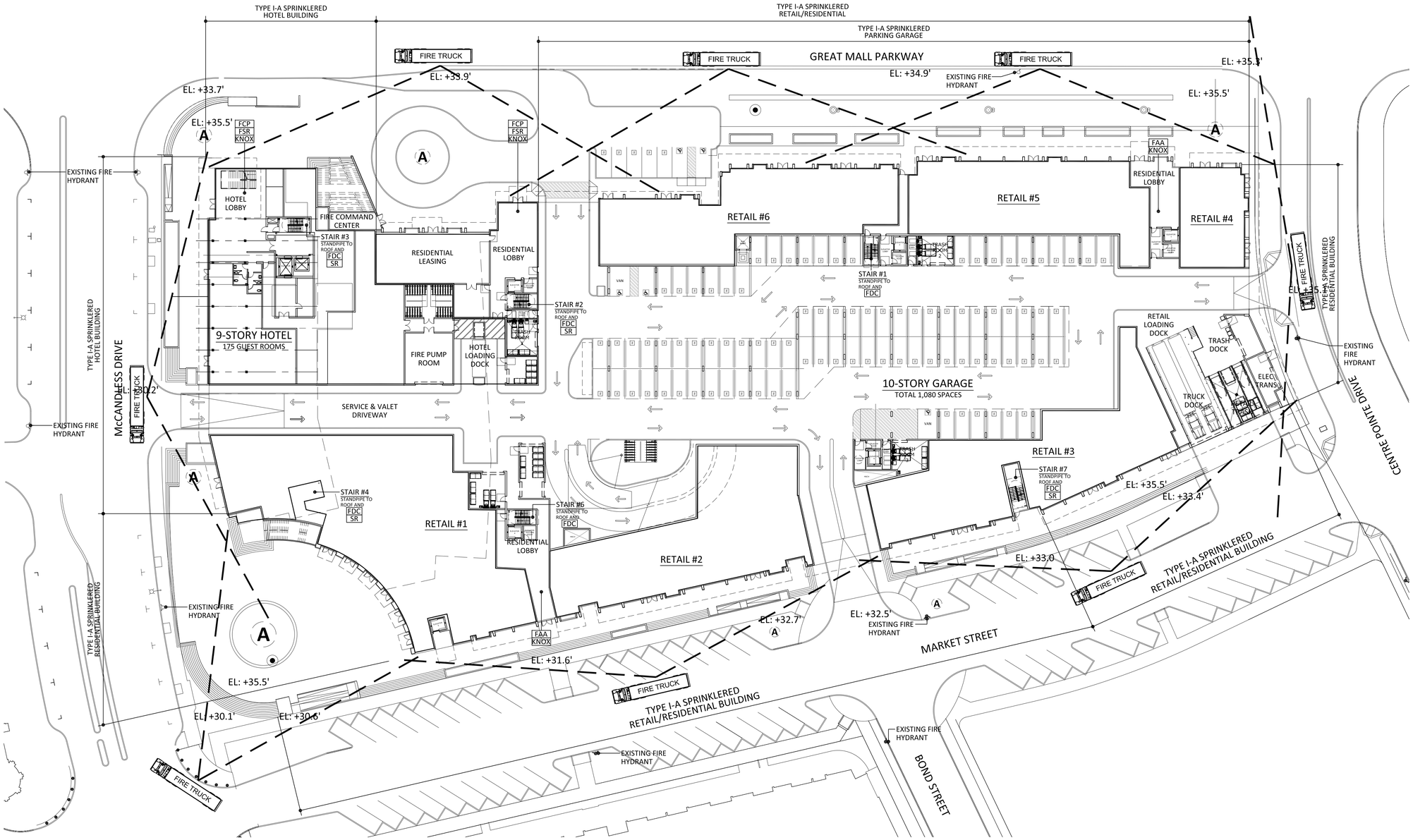
RETAIL HAULING TRUCK DIAGRAM

RETAIL SOLID WASTE COLLECTION AREA PLAN (FOR RETAIL AREA #6.)

0' 1' 2' 3' 4' 5' 10'
SCALE : 1/4" = 1'-0"

N 0' 5' 10' 20' 30' 40'
SCALE : 1:25

SOLID WASTE MANAGEMENT PLAN - HOTEL WASTE - FIRST FLOOR



FIRE DEPARTMENT NOTES:

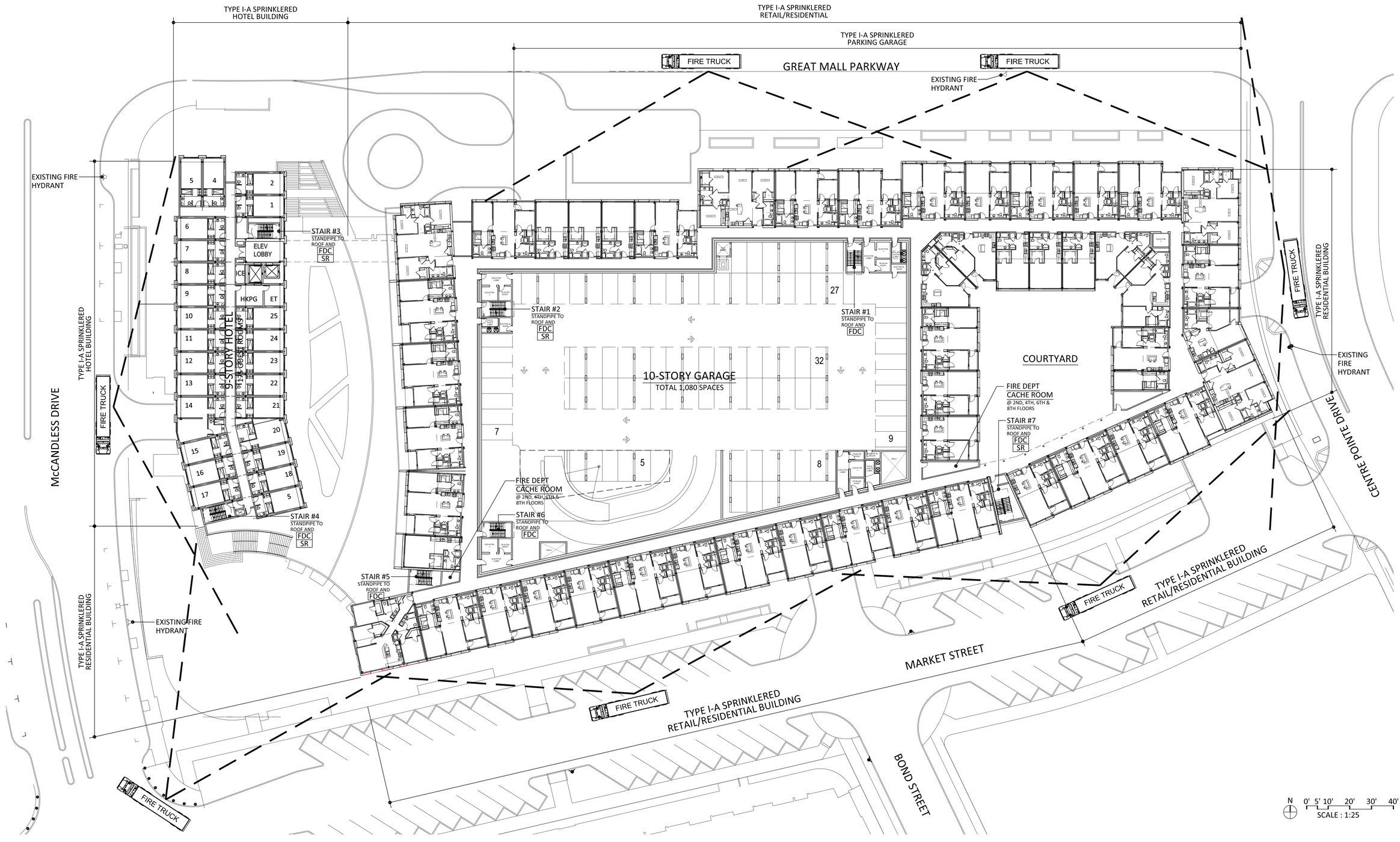
1. PROJECTS HAVING MORE THAN 200 UNITS MAY REQUIRE MORE THAN TWO FIRE APPARATUS ACCESS ROADS.
2. FIRE APPARATUS ACCESS ROADS SHALL HAVE A MINUMUM UNOBSTRUCTED 26'.
3. NO SOURCE OF ACCESS FROM LANDS ADJOINING A PROPERTY TO BE DEVELOPED SHALL BE CONSIDERED UNLESS THERE IS OBTAINED THE IRREVOCABLE AND UNOBSTRUCTED RIGHT TO USE SAME.
4. FIRE APPARATUS ACCESS ROADS SHALL MEET THE MILPITAS FIRE DEPARTMENT TURNING RADII GUIDELINES AND SHALL PROVIDE CONTINUOUS APPARATUS TRAVEL. TURNING RADII SHALL BE MINIMUM 48'-6" FOR OUTSIDE RADIUS AND 28' FOR INSIDE RADIUS. THE LAYOUT FOR THE OUTSIDE AND INSIDE RADIUS SHALL BE FROM THE SAME CENTER POINT.
5. FIRE APPARATUS ACCESS ROADS / LANES AND EMERGENCY VEHICLE ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS (SUTPHEN S95) AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER CAPABILITIES.
6. NO PARKING IN FIRE ACCESS ROADS. THE REQUIRED ACCESS ROAD SHALL BE DESIGNATED AND CLEARLY MARKED AS A FIRE LANE.
7. PROJECT IS OF TYPE IA CONSTRUCTION WITH A NFPA 13 SPRINKLER SYSTEM AND MEETS THE LIFE SAFETY PROVISION FOR HIGHRISE.
8. ROAD LOAD CAPACITY SHALL BE DESIGNED TO PROVIDE WEIGHT-BEARING CAPACITY FOT SUTPHEN S95 (62,500 LBS)
9. ALL STAIRS TO BE CONTINUOUS FROM THE GROUND FLOOR TO THE ROOF.

DRAWING LEGEND:

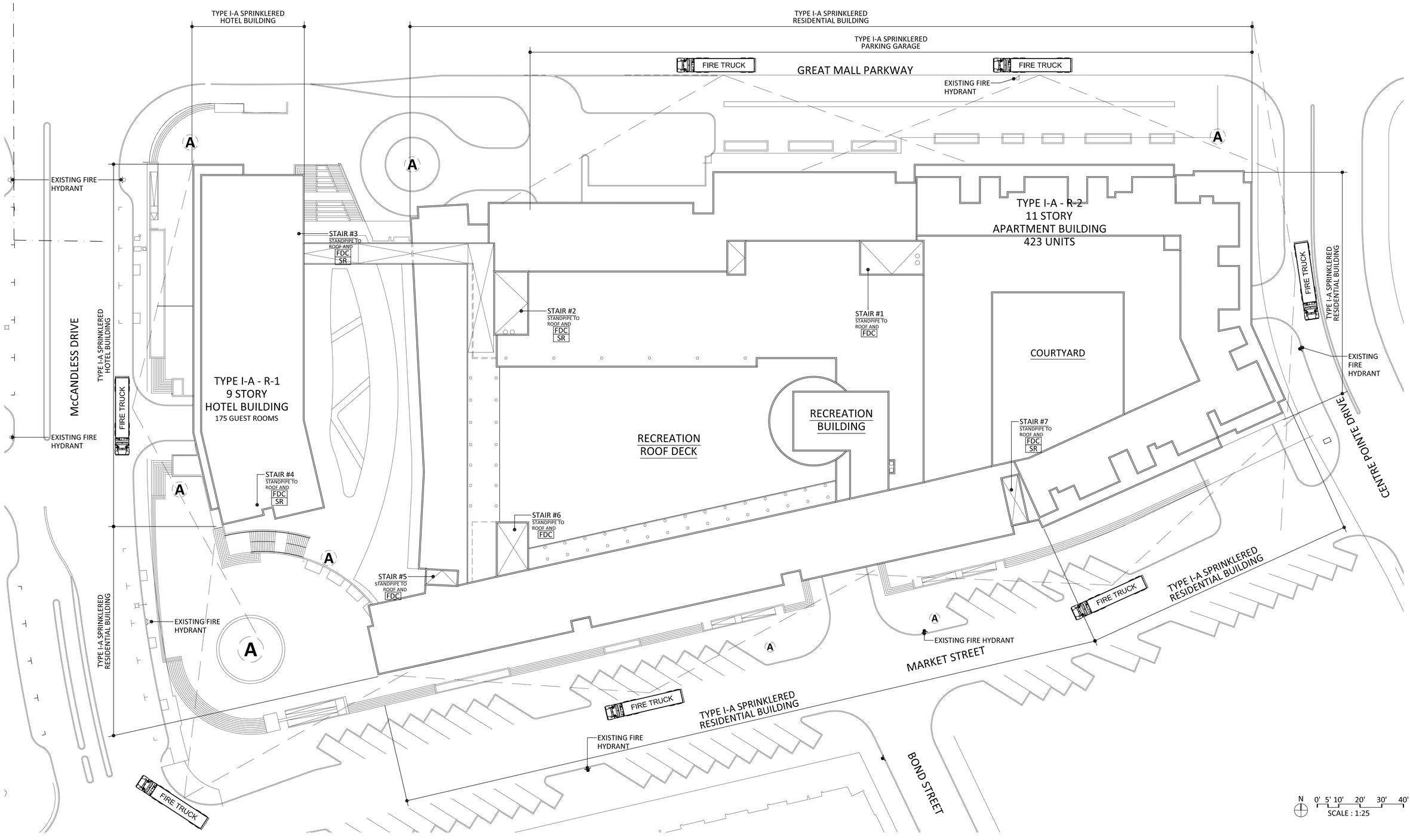
FIRE TRUCK	FIRE TRUCK
	150' REACH OF FIRE HOSE
	FIRE HYDRANT
FDC	FIRE DEPARTMENT CONNECTION
KNOX	KNOX BOX - BOTTOM LOCATED 5'-0" ABOVE FLOOR
FCP	FIRE CONTROL PANEL
FSR	FIRE SPRINKLER RISER
FAA	REMOTE FIRE ALARM ANNUNCIATOR
DCA	DOUBLE DETECTOR CHECK VALVE ASSEMBLY
PIV	POST INDICATOR VALVE
SR	SPRINKLER RISER LOCATION

N 0' 10' 20' 30' 40' 50' 60'
SCALE : 1:30

FIRE ACCESS DIAGRAM



FIRE ACCESS DIAGRAM UPPER FLOORS



FIRE ACCESS DIAGRAM ROOF

DISTRICT MILPITAS - LOT4

3A-A36 FIRE DEPARTMENT PLANS

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

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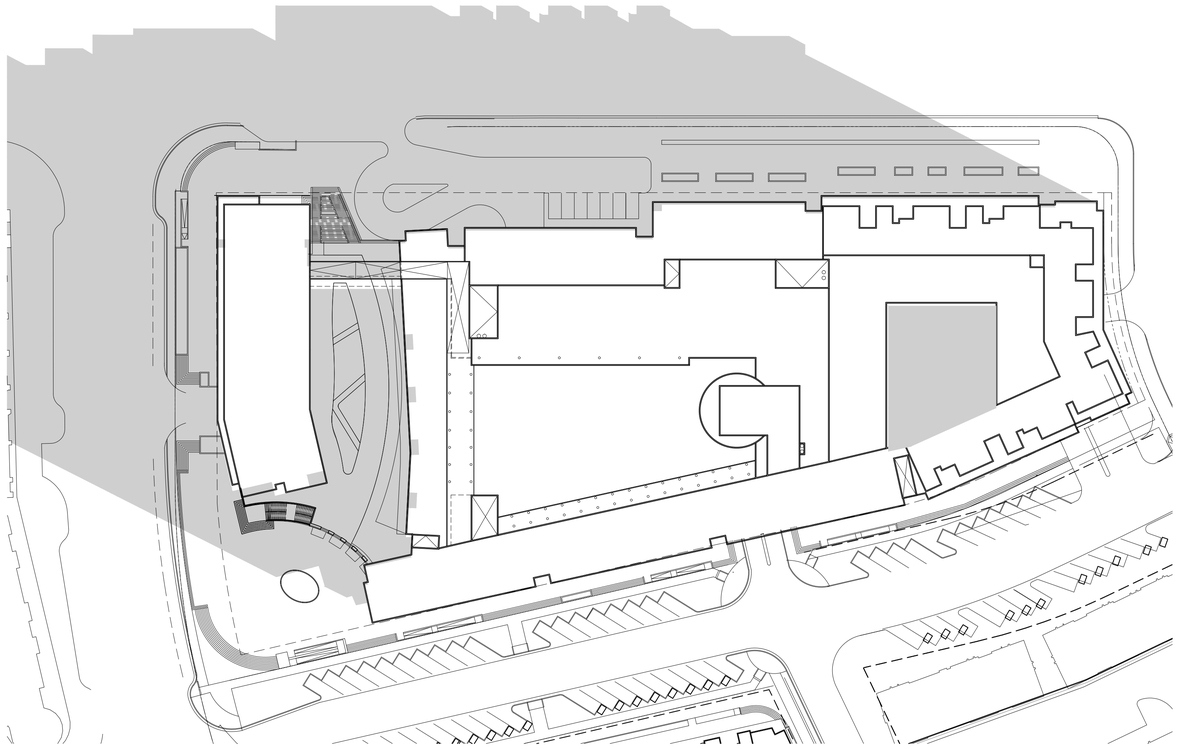
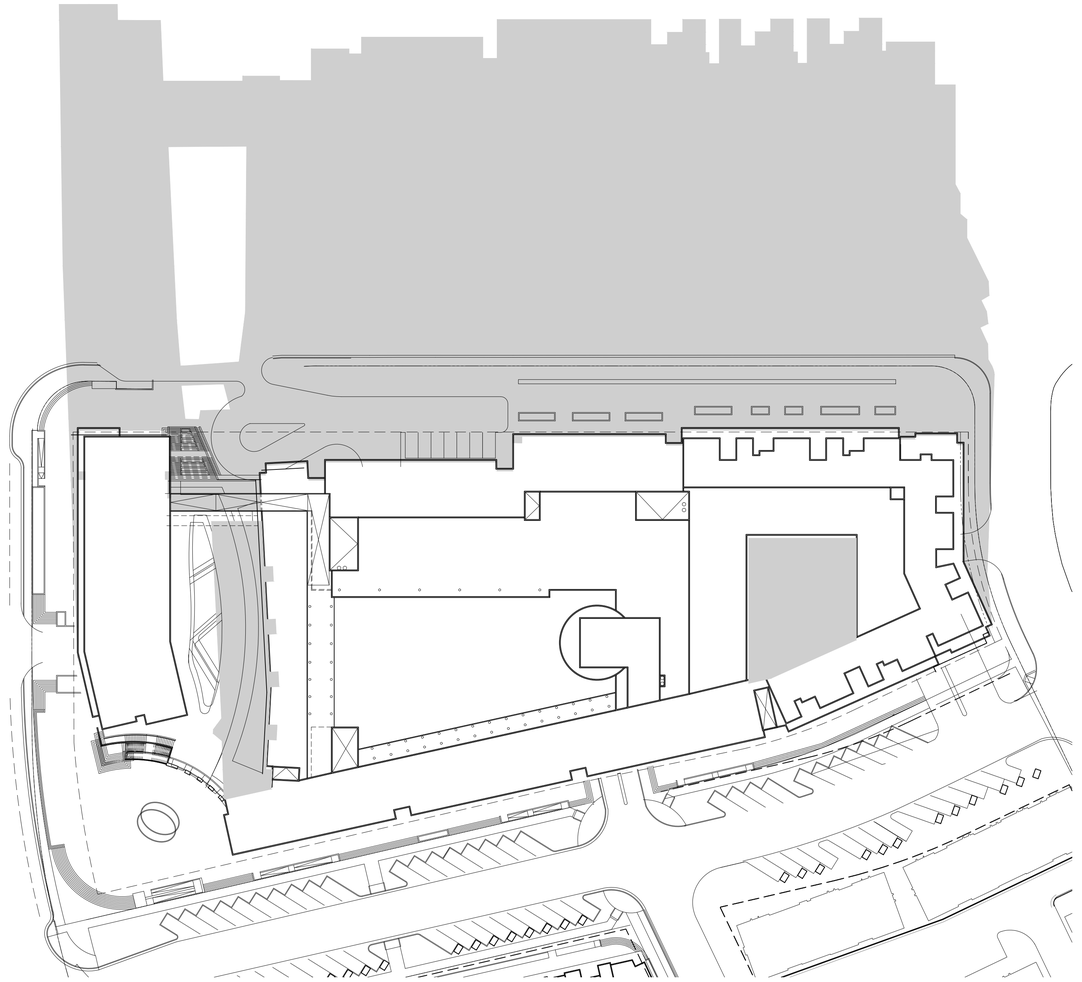


10 AM DECEMBER 22ND



2 PM DECEMBER 22ND

GREAT MALL PARKWAY

SINGLE ROW OF LONDON PLANE TREE
APPROX. 25' O.C.

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SINGLE ROW OF LONDON
PLANE TREE
APPROX. 25' O.C.

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2ND FLOOR
OVERHANG

CENTRE POINTE DRIVE

McCANDLESS DRIVE

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C□□CRETE □TE□□

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STREET TREES PER CITY STANDARDS
-BRISBANE BOX
-SOUTHERN MAGNOLIA
-MADENHAIR TREE

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MARKET STREET

N 0' 10' 20' 40' 80'
SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

GREAT MALL PARKWAY

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SINGLE ROW OF LONDON PLANE TREE
APPROX. 25' O.C.

RET□I□ □□□□CE□T E□□□□CE□ □□□EME□T

SINGLE ROW OF LONDON
PLANE TREE
APPROX. 25' O.C.

CENTRE POINTE DRIVE

McCANDLESS DRIVE

LIBRARY
433 SF

OPEN TO BLW

MED.

MED.

ELEV LOBBY

ICE

AC LOUNGE
1880 SF

HKPG

ET

KITCHEN
980 SF

BREAKFAST
905 SF

W

M

MTG
900 SF

MTG
1050 SF

MTG
1222 SF

PRE FUNCTION

PODIUM

RETAIL #6

RETAIL #5

RESIDENTIAL LOBBY #1

RAMP

34

43

12

130

22

7

5

8% RAMP AT 34'-0"

8% RAMP AT 36'-0"

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STREET TREES PER CITY STANDARDS
-BRISBANE BOX
-SOUTHERN MAGNOLIA
-MADENHAIR TREE

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MARKET STREET

STOP

N

0' 10'20' 40' 80'

SCALE : 1"=20'-0"

1

DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

GREAT MALL PARKWAY

McCANDLESS DRIVE

CENTRE POINTE DRIVE

MARKET STREET

RECRE□TI□□ □□ME□IT□ □UI□□I□□

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POOL

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N

0' 4' 8' 16' 32'

SCALE : 1/8"=1'-0"

DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

GREAT MALL PARKWAY

McCANDLESS DRIVE

CENTRE POINTE DRIVE

MARKET STREET

STOP

ELEV
LOBBY

RECRE□TI□□ □□ME□IT□ □UI□□I□□

ECK

POOL

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N

0' 10' 20' 40' 80'

SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

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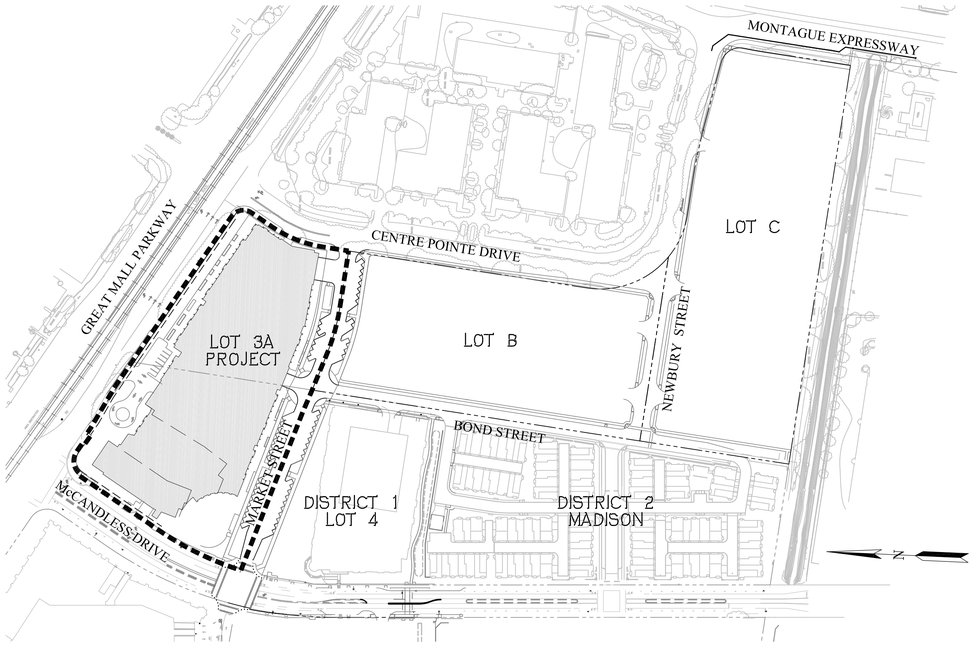
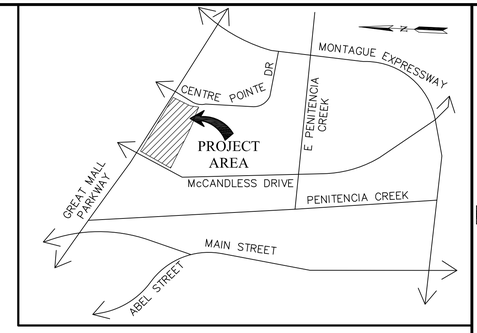
VESTING TENTATIVE MAP
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA
P-MT15-0009





VICINITY MAP
NOT TO SCALE

RECORD OWNER:
CP LAND, LLC.

APPLICANT/DEVELOPER:
LYON CAPITAL VENTURES, LLC.
4901 BIRCH STREET
NEWPORT BEACH, CA 92660
CONTACT: PETER ZAK
PETERZAK@LYON1.COM
(949) 633-7383

CIVIL ENGINEER:
RUGGERI-JENSEN-AZAR & ASSOCIATES
8055 CAMINO ARROYO
GILROY, CA 95020
CONTACT: JORGE DURAN, P.E., R.C.E. 59978
JDURAN@RJA-GPS.COM
408-848-0300

SITE DATA

1.	PROPERTY ADDRESS:	1463 CENTRE POINTE DRIVE MILPITAS, CA 95035
2.	ASSESSOR PARCEL NUMBER:	086-33-086, 086-33-101
3.	TOTAL EXISTING PARCEL:	2
4.	EXISTING LAND USE:	COMMERCIAL/OFFICE BUILDING (VACANT)
5.	PROPOSED LAND USE:	"MIXED USE (MXD2)", COMMERCIAL RETAIL AND HOTEL
6.	EXISTING ZONING:	MIXED USE HIGH DENSITY (MXD2) TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD)
7.	PROPOSED ZONING:	MIXED USE HIGH DENSITY (MXD2) TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD)
8.	TOTAL GROSS AREA:	5.50 +/- AC
9.	TOTAL RESIDENTIAL UNITS:	423 RESIDENTIAL UNITS 175 HOTEL UNIT 59,135 SF RETAIL
10.	GROSS DENSITY:	77.0 UNITS/AC

11. UTILITIES:

WATER
- PUBLIC - CENTRE POINTE DRIVE, MARKET STREET, AND BOND STREET
- PRIVATE - WITHIN RESIDENTIAL AREAS

RECYCLED WATER
- PUBLIC-McCANDLESS DRIVE & CENTRE POINTE DRIVE

SEWER
- PUBLIC - CENTRE POINTE DRIVE
- PRIVATE - MARKET STREET AND WITHIN RESIDENTIAL AREAS

STORM
- PUBLIC - CENTRE POINTE DRIVE AND BOND STREET
- PRIVATE - MARKET STREET WITHIN RESIDENTIAL AREAS

GAS & ELECTRIC
- PG&E

TELEPHONE
- AT&T

CABLE TELEVISION
- COMCAST

12. STREETS
- MARKET STREET, BOND STREET, AND NEWBURY STREET WILL BE PRIVATE. ALL PRIVATE STREETS WILL HAVE PSUE'S (MIN. LONGITUDINAL SLOPE = 0.5%) AND EVAE'S.
- CENTRE POINTE DRIVE, GREAT MALL PARKWAY AND McCANDLESS DRIVE (EXISTING PUBLIC STREETS).

13. THE PROJECT BENCHMARK IS THE SOUTHERLY DISK IN MONUMENT WELL AT THE INTERSECTION OF ABEL STREET AND CORNING AVENUE,
ELEVATION = 17.124' NGVD29 (19.864' NAVD88)
PROJECT ELEVATIONS ARE BASED ON NGVD29

THE CALCULATED GRID BEARING OF N39°43'13"W OF THE LINE BETWEEN THE FOUND MONUMENT AT THE INTERSECTION OF MONTAGUE EXPRESSWAY WITH CENTRE POINTE DRIVE AND THE FOUND MONUMENT AT THE INTERSECTION OF SOUTH ABEL STREET WITH WEST CURTIS AVENUE WAS USED FOR THE BASIS OF BEARINGS FOR THIS MAP. THESE MONUMENTS ARE SHOWN AS POINT NUMBERS "1008" AND "1011" ON THAT RECORD OF SURVEY FILED JUNE 26, 1996 IN BOOK 678 OF MAPS, AT PAGES 10 THROUGH 13, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA. THE BEARING WAS CALCULATED FROM THE COORDINATE VALUES FROM EPOCH 1986 SHOWN ON SHEET 4 OF 4 OF THAT SURVEY. THE VALUES OF POINTS "1008" AND "1011" ARE AS FOLLOWS:

	NORTHING	EASTING
"1008"	1974285.72	6156434.98
"1011"	1977865.34	6153460.98

14. PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 06085C0067J, DATED FEBRUARY 19, 2014, THE PROJECT SITE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AO. ZONE AO IS DEFINED AS, "FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED."

15. THE EXISTING TOPOGRAPHY IS BASED ON AN AERIAL SURVEY RECEIVED FROM AEROGEODETIC, DATED MAY 15, 2006; THE CONTOURS SHOWN ON THIS PLAN REPRESENT GROUND ELEVATIONS, AS DETERMINED AT THE TIME OF SAID SURVEY. EXISTING SURFACE IMPROVEMENTS DEPICTED ON THE TOPOGRAPHIC MAP MAY DIFFER FROM CURRENT SITE CONDITIONS AS CONSTRUCTION ACTIVITIES ON THE SITE ARE ON-GOING.

LEGEND

PROPOSED	DESCRIPTION	EXISTING
▣	CATCH BASIN	□
	ELECTRIC	
⊙—●	ELECTROLIER	⊙—○
	CENTERLINE	
	EASEMENT	
	SITE	
	FIRE HYDRANT	
2%	FLOW DIRECTION	
(1)	LOT NUMBER	
	LOT LINE	
●	MANHOLE	○
	PROJECT BOUNDARY	
SS	SANITARY SEWER	
36.6X	SPOT GRADE	36.6
SD	STORM DRAIN	
W	WATER	
	LIMIT OF BUILDING AT GROUND LEVEL	
	SD BUBBLER	

GENERAL NOTES

1. THERE ARE NO KNOWN EXISTING WELLS ON SITE.
2. STREET LIGHTS ON PUBLIC STREETS WILL BE CONSTRUCTED TO CITY STANDARDS AND DEDICATED TO THE CITY.
3. STREET LIGHTS ON PRIVATE DRIVES WILL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
4. PROPOSED GRADES, RETAINING WALLS, IMPROVEMENTS, AND UTILITIES AS SHOWN ARE CONCEPTUAL. FINISH GRADING, IMPROVEMENTS, AND UTILITIES ARE SUBJECT TO FINAL DESIGN, SUBJECT TO SITE SPECIFIC FLOOD STUDY, AND MAY VARY AT FINAL DESIGN.
5. PROPOSED PIPE SIZES AND LENGTHS TO BE CONFIRMED DURING IMPROVEMENT PLAN PREPARATION.
6. ALL GRADING SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS AND CONDITIONS OF THE GEOTECHNICAL ENGINEER AND SUPPLEMENTAL REPORTS REGARDING THIS PROJECT.
7. ALL EROSION CONTROL MEASURES SHALL BE DONE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF MILPITAS.
8. COMMON OPEN SPACE PARCELS AND PRIVATE DRIVE PARCELS MAY BE SPLIT INTO ADDITIONAL PARCELS AS PART OF FINAL MAP AND BASED ON FINAL CONSTRUCTION PHASING.
9. RETAINING WALLS: ALL WALLS WILL BE PRIVATE FACILITIES & MAINTAINED BY HOMEOWNERS' ASSOCIATION. ALL WALL HEIGHTS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE AT FINAL DESIGN.
10. ALL LANDSCAPING & COMMON AREAS WITHIN PRIVATE DEVELOPMENT ARE PRIVATELY OWNED & MAINTAINED BY HOMEOWNERS' ASSOCIATION.
11. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS VESTING TENTATIVE MAP.
12. LOT NUMBERS SHOWN ARE FOR IDENTIFICATION PURPOSES ONLY AND ARE NOT INTENDED TO BE FINAL.
13. THIS VESTING TENTATIVE MAP IS FOR CONDOMINIUM/MIXED USE PURPOSES.

ABBREVIATIONS

AC	ACRES
APN	ASSESSOR'S PARCEL NUMBER
BC	BACK OF CURB
BFE	BASE FLOOD ELEVATION
BNDY	BOUNDARY
CB	STORM DRAIN CATCH BASIN
CL or C	CENTERLINE
DWY	DRIVEWAY
ELECT	ELECTROLIER
ESMT	EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FDC	FIRE DEPARTMENT CONNECTION
FOC	FACE OF CURB
FFU	FINISHED FLOOR GROUND LEVEL
FG	FINISHED GRADE
FH	FIRE HYDRANT
GB	GRADE BREAK
HP	HIGH POINT
LA	LANDSCAPE PLANS
LP	LOW POINT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
PD	PROJECT DRIVEWAY
PIV	POST INDICATOR VALVE
PIWE	PRIVATE IRRIGATION WATERLINE EASEMENT
PL	PROPERTY LINE
PP	POWER POLE
PRUE	PRIVATE UTILITY EASEMENT
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R/W	RIGHT OF WAY
RW	RECYCLED WATER
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SLD	SEE LANDSCAPE DRAWINGS
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SWK	SIDEWALK
LS	LANDSCAPE
C&G	CURB & GUTTER

TABLE OF CONTENTS

SHEET NUMBER	SHEET TITLE
VTM-1	TITLE SHEET
VTM-2	EXISTING SITE PLAN
VTM-3	OFFSITE RESPONSIBILITIES
VTM-4	SITE PLAN
VTM-5	STREET SECTIONS
VTM-6	STREET SECTIONS
VTM-7	CONCEPTUAL LOTTING PLAN
VTM-8	CONCEPTUAL GRADING PLAN
VTM-9	CONCEPTUAL UTILITY PLAN
VTM-10	CONCEPTUAL STORMWATER CONTROL PLAN
VTM-11	CONCEPTUAL TREATMENT AREA BLOWUPS
VTM-12	CONCEPTUAL SORMWATER CONTROL PLAN DETAILS
VTM-13	CONCEPTUAL EMERGENCY VEHICLE PLAN
VTM-14	CONCEPTUAL SOLID WASTE VEHICLE PLAN
L01-L03	CONCEPTUAL LANDSCAPE PLAN

SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

City Engineer Date

Recommended for Approval by the Milpitas Planning Commission, this _____ day of _____ 20____ , and Approved by the Milpitas City Council this _____ day of _____ 20 _____.

Planning & Neighborhood Services Director Date

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE (408) 848-0300 FAX (408) 848-0302

VESTING TENTATIVE MAP
TITLE SHEET
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA
FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK	SHEET REVISIONS

SCALE NONE
DATE OCTOBER 5, 2015

SHEET
VTM-1
OF 17 SHEETS

JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\1 TITLE SHEET.DWG

MONTAGUE EXPRESSWAY

VTA LIGHT RAIL

EXISTING COMMERCIAL DEVELOPMENT

30' PG&E EASEMENT (STRIP 6, K146-OR-454){EX-12}
30' PACIFIC BELL EASEMENT (STRIP 3, K369-OR-1974){EX-13} TO BE REMOVED

ABUTTER'S RIGHTS OF ACCESS RELINQUISHED (18858-OR-84){EX-10}

PARKING LOT

PARCEL 1
517-M-42
APN: 086-33-089

EX BUILDING
42,690± SF
TO BE REMOVED

20' PG&E EASEMENT (STRIP 6, K146-OR-454){EX-12}
20' PACIFIC BELL EASEMENT (STRIP 3, K369-OR-1974){EX-13} TO BE REMOVED

10' PG&E EASEMENT (STRIP 7, K146-OR-454){EX-12} TO BE REMOVED

SCVWD EAST PENITENCIA CREEK

HOURET

EX LOT LINE (TYP) TO BE REMOVED

EX CONCRETE CURB (TYP)

CENTRE POINTE DRIVE (PUBLIC)

30'

30'

EX TREES TO BE REMOVED (TYP)

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

10' PSUE TO BE ADJUSTED TO 8'

EX BUILDING
70,057± SF
TO BE REMOVED

PARCEL 2
517-M-42
086-33-088

20' PG & E EASEMENT (STRIP 5, K146-OR-454) TO BE REMOVED

PARCEL 3
517-M-42
086-33-087

EX BUILDING
46,087± SF
TO BE REMOVED

APN:086-33-087

FORMER LOT LINE

EX OFFICE BUILDING

10' PSUE(517-M-42){EX-11}

ADJUSTED LOT LINE

APN:086-33-088

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

EX TREES TO BE REMOVED (TYP)

EX BUILDING
47,930± SF
TO BE REMOVED

PARCEL 4
517-M-42
086-33-086

APN:086-33-086

EX OFFICE BUILDING

ADJUSTED LOT LINE

20' PG&E EASEMENT (STRIP 1, K146-OR-454){EX-12}
20' PACIFIC BELL EASEMENT (STRIP 1, K369-OR-1974){EX-13} TO BE ABANDONED

10' PG&E EASEMENT (STRIP 2, K146-OR-454) {EX-12} TO BE REMOVED

10' PG&E EASEMENT (STRIP 3, K146-OR-454){EX-12} TO BE REMOVED

10' PG&E EASEMENT (STRIP 4, K146-OR-454) {EX-12} TO BE REMOVED

PARKING LOT

BOND STREET (PRIVATE)

EX OUTFALL TO REMAIN

GREAT MALL PARKWAY

VTA LIGHT RAIL

PORTION OF PROPERTY LINE TO BE REMOVED
PORTION OF 25' EASEMENT FOR BOND STREET PURPOSES (PRIVATE ROAD PURPOSES) TO BE VACATED IN FAVOR OF LOT 3A PROJECT

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

EX LOT LINE (TYP)

END OF EX BOND STREET

25' EASEMENT FOR BOND STREET PURPOSES (PRIVATE ROAD PURPOSES)

PROPERTY LINE

BLEEKER ST

BLEEKER ST

DISTRICT 2 TAYLOR MORRISON (EXISTING)

EX BUILDING
48,904± SF
TO BE REMOVED

APN:086-33-101

EX BUILDING
46,822± SF
TO BE REMOVED

EX TREES TO BE REMOVED (TYP)

PARCEL 6
536-M-41
086-33-0101
5.791 AC±

NEWBURY STREET (PUBLIC)

APN:086-33-097

PARKING LOT

PROPERTY LINE

10' PSUE

PARKING LOT AND ALL SITE IMPROVEMENTS TO BE REMOVED (TYP)

McCANDLESS DRIVE (PUBLIC)

0 60 120 180

SCALE IN FEET: 1"= 60'

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
EXISTING SITE PLAN
CENTRE POINTE LOT 3A

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
1"=60'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-2
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\2 EXISTING SITE PLAN.DWG

OFFSITE RESPONSIBILITY FOR THIS PROJECT

(A) CENTRE POINTE DRIVE

1. AC SLURRY HALF OF STREET
2. REMOVE & REPLACE CURB & GUTTER
3. REMOVE & REPLACE SIDEWALK
4. ADJUST / RELOCATE MISC. UTILITIES
5. NEW PLANTER AREA AND BMP AREAS
6. NEW STREET LANDSCAPE

(B) MARKET STREET (EAST OF BOND STREET)

1. SOUTH HALF OF STREET
2. NEW VALLEY GUTTER
3. NEW SD 15" SD LINE & LATERALS
4. NEW SD CATCH BASINS
5. NEW 12" WATER LINE LATERAL
6. NEW FIRE HYDRANT
7. NEW BMP AREAS

(C) MARKET STREET (WEST OF BOND STREET)

1. NORTH HALF OF STREET
2. NEW VALLEY GUTTER
3. NEW SD 15" SD LINE & LATERALS
4. NEW SD CATCH BASINS
5. NEW 12" WATER LINE LATERAL
6. NEW FIRE HYDRANT
7. NEW 8" SS MAIN & LATERALS
8. NEW BMP AREAS

(D) McCANDLESS DRIVE

1. REMOVE & REPLACE CURB & GUTTER FOR NEW BUILDING ENTRANCE.
2. McCANDLESS DRIVE/ MARKET STREET INTERSECTION SURFACE IMPROVEMENTS.

(E) GREAT MALL PARKWAY

1. NEW DECELERATION LANE

MONTAGUE EXPRESSWAY (PUBLIC)

CENTRE POINTE DRIVE (PUBLIC)

GREAT MALL PARKWAY (PUBLIC)

LOT 3A PROJECT
423 RESIDENTIAL UNITS
175 HOTEL UNITS

TOTAL
COMMERCIAL/RETAIL:
59,135 SF

MARKET STREET (PRIVATE)

NEWBURY STREET (PRIVATE)

BOND STREET (PRIVATE)

LOT B
TOWNHOME UNITS

LOT C
TOWNHOME UNITS

DRIVE A
DRIVE B
DRIVE C
DRIVE D
ALLEY A
ALLEY B
ALLEY C
ALLEY D

HOURET PROJECT

EXISTING PORTION
BOND STREET

EX NEWBURY STREET

EXISTING STORMWATER
AND LANDSCAPE AREA

DISTRICT 1 LOT 4

DISTRICT 2 PROJECT
(TAYLOR MORRISON)

SCVWD EAST PENITENCIA CREEK

McCANDLESS DRIVE
(PUBLIC)

McCANDLESS DRIVE (PUBLIC)

DISTRICT 1 BLDG 1

0 60 120 180
SCALE IN FEET: 1"= 60'

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VESTING TENTATIVE MAP
OFFSITE RESPONSIBILITIES
CENTRE POINTE LOT 3A

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK	SHEET REVISIONS
MK			

SCALE 1"=60'

DATE OCTOBER 5, 2015

SHEET
VTM-3
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\3 OFFSITE RESPONSIBILITIES.DWG

ELEVATED LIGHT RAIL

EX RAISED MEDIAN ISLAND (TYP.)

GREAT MALL PARKWAY

EX 4' SLOPE ESMT

EX C&G TO BE REMOVED AND REPLACED

EX TREES TO BE REMOVED (TYP)

EX 10' PSUE

12' DECELERATION LANE

CURB CUT (TYP.)

BIOSWALES IN LANDSCAPE AREA

SD PUMP

BUBBLER (TYP)

FI (TYP.)

18.0'-22.3' SIDEWALK

1/2 STREET AC SLURRY 8' PSUE

1/2 STREET IMPROVEMENTS BY THE SUMMERHILL PROJECT

4.5' R/W DEDICATION TO CITY OF MILPITAS

15.5' NEW MONOLITHIC SIDEWALK WITH TREES

FUTURE RIGHT OF WAY DEDICATION BY OTHERS

FUTURE SUMMERHILL PROJECT

CENTRE POINTE DRIVE

CENTRE POINTE DRIVE (PUBLIC)

McCANDLESS DRIVE (PUBLIC)

EL: +33.7'

EL: +35.5'

EL: +35.3'

EL: +35.1'

EL: +30.2'

EL: +30.1'

EL: +32.7'

EL: +35.5'

AD (TYP.)

STAIRS (TYP.)

PARKING (7, TYP.)

10' SIDEWALK

BUILDING FOOTPRINT (TYP.)

CATCH BASIN (TYP.)

RETAIL #6

RETAIL #5

RETAIL #4

GARAGE ENTRANCE

PSUE, VARIES

8.0' STREET PARKING

RETAINING WALL 4' MAX

EX 8.5' SWK

LOBBY

BACK OF HOUSE

FIRE COMMAND CENTER

ELEV LOBBY

RESIDENTIAL LEASING 2221 GSF

RESIDENTIAL LOBBY #2

(TOTAL) BACK OF HOUSE 4,585 SF

BUILDING FOOTPRINT (TYP.)

PORTION OF LOT LINE TO BE REMOVED FROM GREAT MALL PARKWAY TO BOND STREET

VISITOR / HOTEL PARKING

PROPOSED BUILDING
423 RESIDENTIAL UNITS
175 HOTEL UNITS
59,135 SF OF COMMERCIAL/RETAIL

RETAIL / RESTAURANT 2569 SF

FIRE PUMP ROOM

OFFICE

(TOTAL) BACK OF HOUSE 4585 SF

LOADING #2

SERVICE / VALET

RAMP AT 60'-0"

EX C&G TO BE REMOVED

PROJECT BOUNDARY

RETAIL #1

RETAIL #2

RETAIL #3

RESIDENTIAL LOBBY #3

HARDSCAPE / PLAZA AREA

RETAINING WALL 5' MAX

EX C&G TO REMAIN

EX SWK

EX 8.5' SWK

STREET PARKING

SD PUMP

DIAGONAL PARKING (10, TYP)

MARKET STREET (PRIVATE)

DISTRICT 1 LOT 4

VEHICLE ENTRANCE/EXIT

RETAIL SIDEWALK

RAMP

8.0' SIDEWALK

DIAGONAL PARKING (8, TYP)

SDCB (TYP.)

CROSSWALK (TYP)

CENTRE POINTE LOT B

LOADING DOCK

SOLID WASTE

NEW CURB

EX CURB

NEW R/W

EX R/W

RETAINING WALL

TRASH & LOADING AREA

STOP

1 SEE SHEET VTM-3 FOR OFFSITE RESPONSIBILITIES FOR THIS PROJECT.

2 ALL CROSSWALKS ARE DECORATIVE

0 30 60 90

SCALE IN FEET: 1"= 30'

RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 846-0300 FAX: (408) 846-0302

VESTING TENTATIVE MAP
SITE PLAN
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

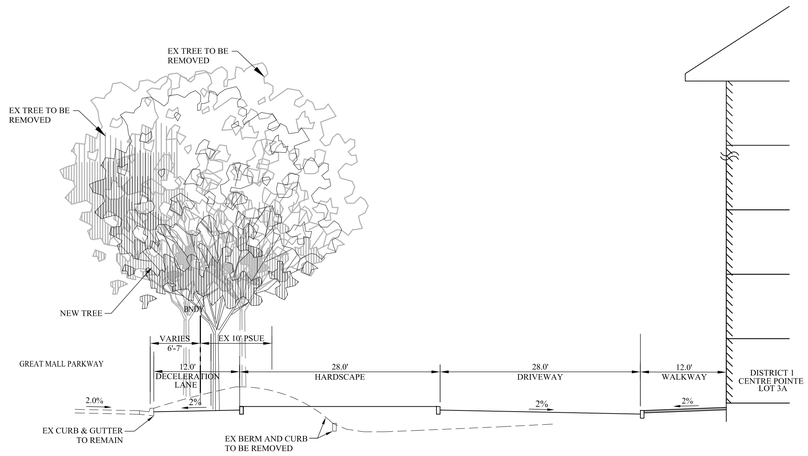
SCALE	DATE
1"=30'	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

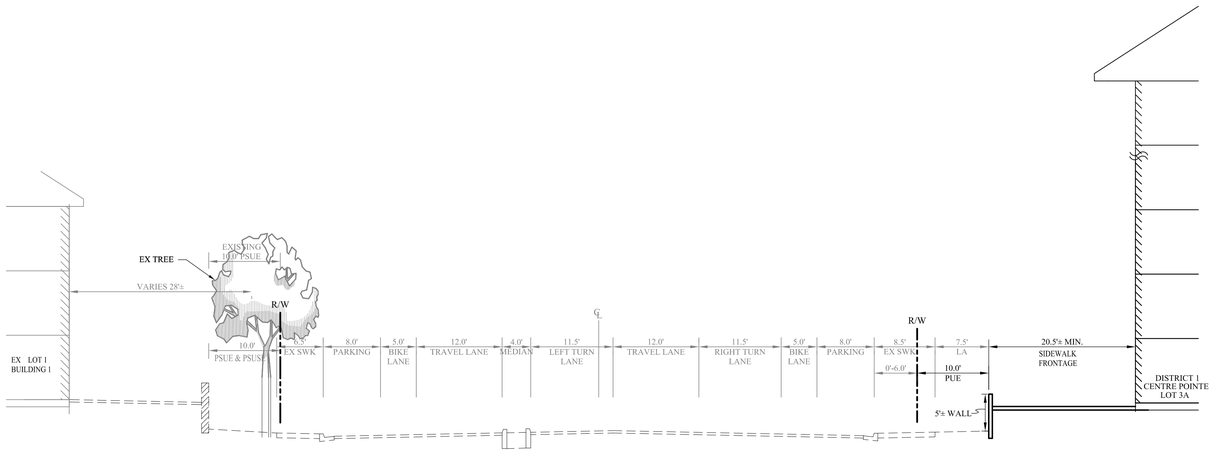
SHEET
VTM-4
OF 17 SHEETS

JOB NO.
122015

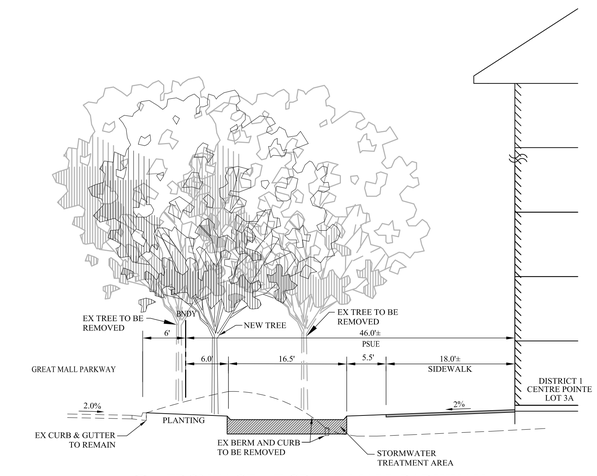
W: \JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\4 SITE PLAN.DWG



2 - FRONTAGE AT GREAT MALL PARKWAY
NO SCALE



2 - McCANDLESS DRIVE
NO SCALE



4 - FRONTAGE AT GREAT MALL PARKWAY
NO SCALE

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
STREET SECTIONS
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

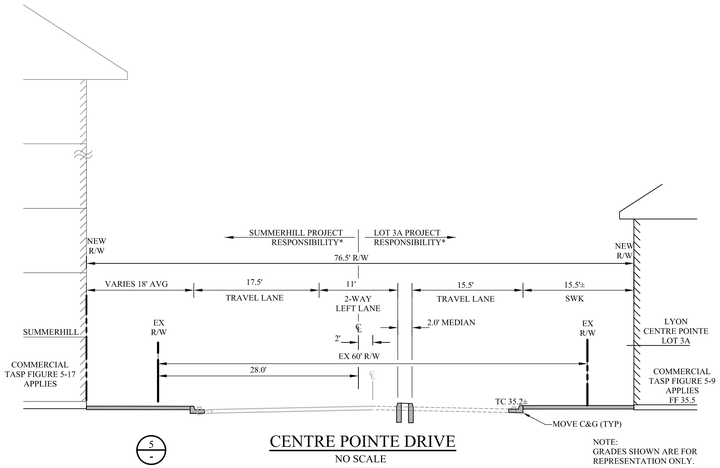
SCALE	DATE
N.T.S.	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-5
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\5 STREET SECTIONS.DWG

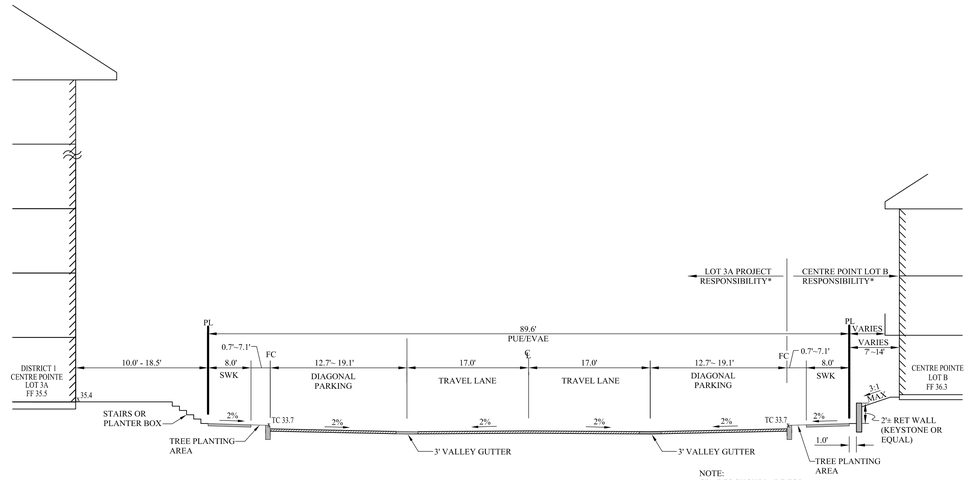


5 / -

CENTRE POINTE DRIVE

NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

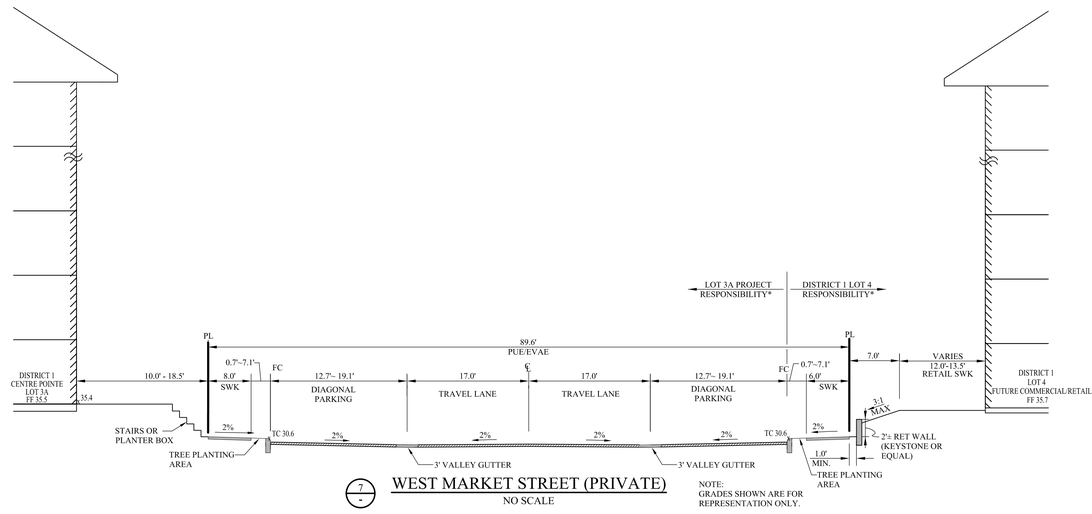


6 / -

EAST MARKET STREET (PRIVATE)

NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.



7 / -

WEST MARKET STREET (PRIVATE)

NO SCALE

NOTE:
GRADES SHOWN ARE FOR REPRESENTATION ONLY.

* LIMIT OF IMPROVEMENTS FOR LOT 3A ASSUME LOT 3A IS CONSTRUCTED FIRST.

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VESTING TENTATIVE MAP
STREET SECTIONS
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

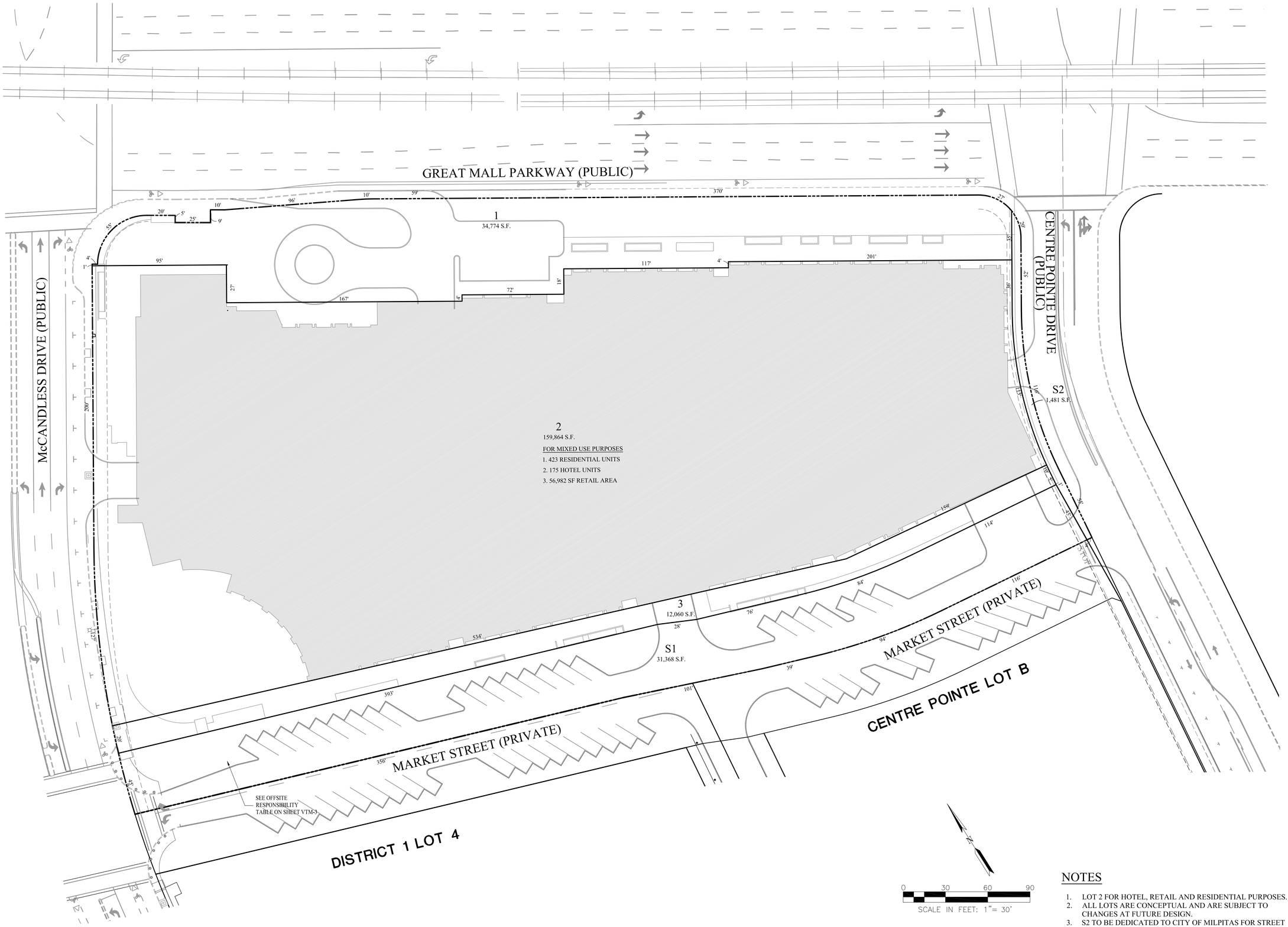
SCALE	DATE
N.T.S.	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-6
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\6 STREET SECTIONS.DWG



NOTES

1. LOT 2 FOR HOTEL, RETAIL AND RESIDENTIAL PURPOSES.
2. ALL LOTS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGES AT FUTURE DESIGN.
3. S2 TO BE DEDICATED TO CITY OF MILPITAS FOR STREET PURPOSES.

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VESTING TENTATIVE MAP
CONCEPTUAL LOTTING PLAN
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

COR: LYON CAPITAL VENTURES, LLC

SCALE	DATE
AS SHOWN	OCTOBER 5, 2015

DATE	MK	SHEET REVISIONS	BY	CK

SHEET
VTM-7
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\7 CONCEPTUAL LOTTING PLAN.DWG

GREAT MALL PARKWAY
(PUBLIC)

McCANDLESS DRIVE
(PUBLIC)

CENTRE POINTE DRIVE
(PUBLIC)

MARKET STREET (PRIVATE)
(PART OF THIS TENTATIVE MAP)

FF=35.5
BFE=35.4

NOTES
1) SITE GRADING BASED ON FLOOD STUDY BY SCHAAF & WHEELER. BASE FLOOD ELEVATION 35.4 ALL BUILDING FIRST LEVEL IS COMMERCIAL/RETAIL AREA.

NOTES:

1. GRADING, SURFACE IMPROVEMENTS, SLOPES AND UTILITIES ARE CONCEPTUAL AND ARE SUBJECT TO REVISION DURING FINAL DESIGN.
2. ALL GRADES ARE BASED ON THE FINAL FLOOD STUDY BY SCHAAF AND WHEELER, DATED OCTOBER 05, 2015.

0 30 60 90
SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
CONCEPTUAL GRADING PLAN
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

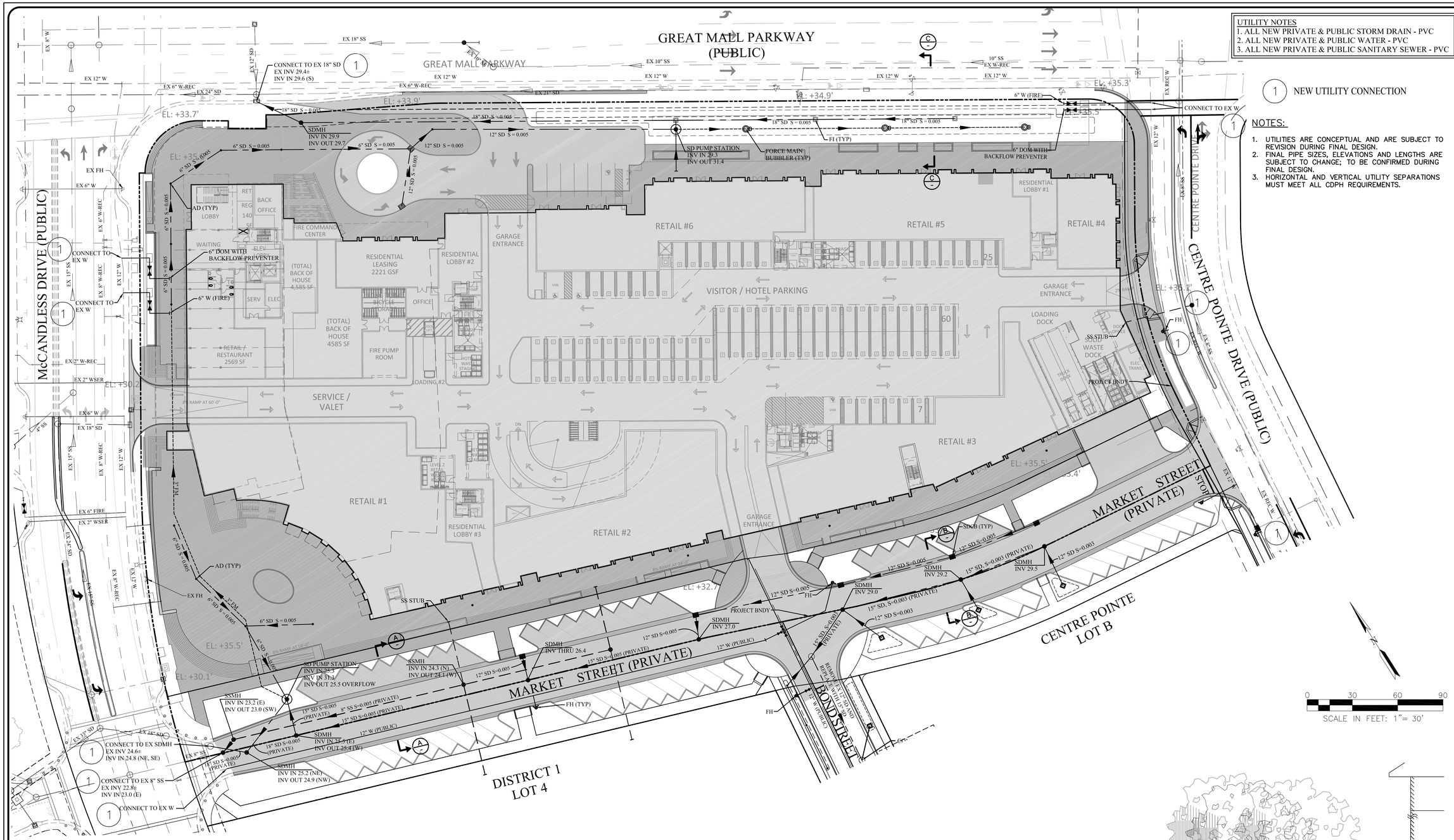
COR: LYON CAPITAL VENTURES, LLC

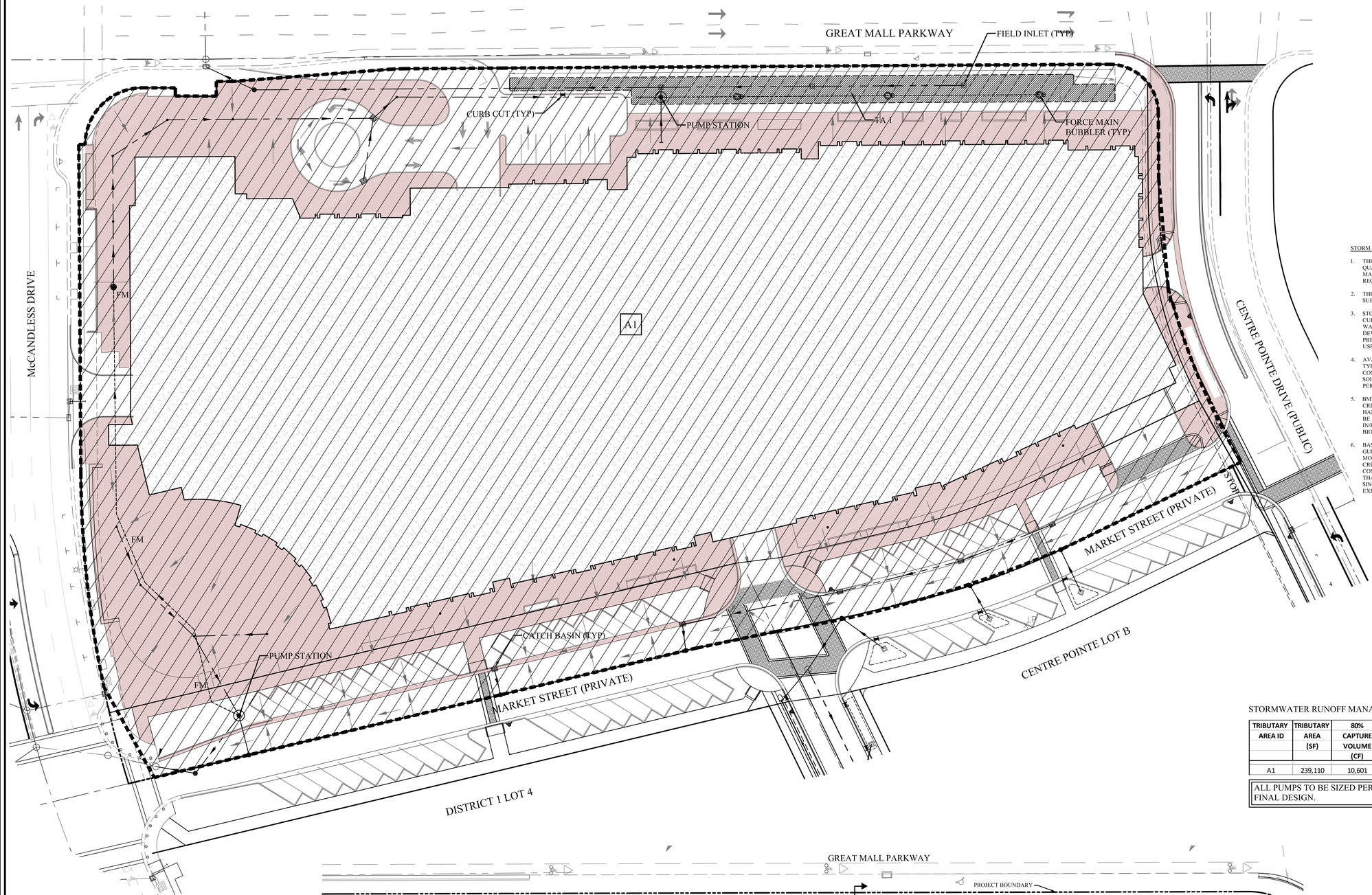
SCALE	DATE
1"=30'	OCTOBER 5, 2015

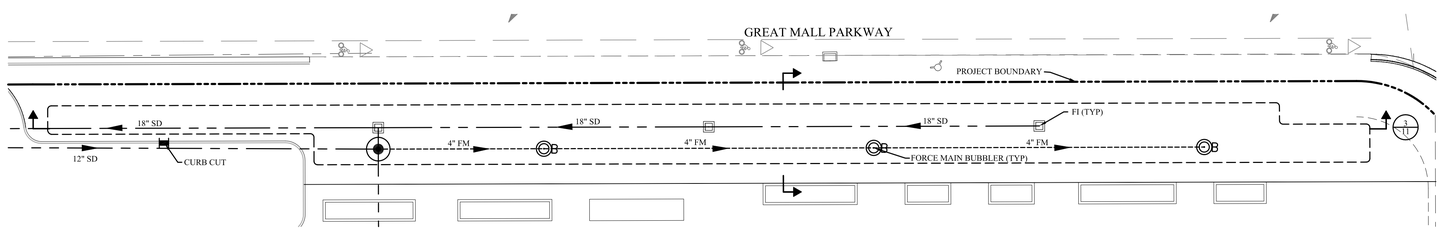
DATE	BY	CK	SHEET REVISIONS
MK			

SHEET
VTM-8
OF 17 SHEETS
JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\8 CONCEPTUAL GRADING PLAN.DWG


GREAT MALL PARKWAY (PUBLIC)
GREAT MALL PARKWAY
McCANDLESS DRIVE (PUBLIC)
CENTRE POINTE DRIVE (PUBLIC)
MARKET STREET (PRIVATE)
BOND STREET
CENTRE POINTE LOT B
DISTRICT 1 LOT 4
RETAIL #1
RETAIL #2
RETAIL #3
RETAIL #4
RETAIL #5
RETAIL #6
VISITOR / HOTEL PARKING
SERVICE / VALET
RESIDENTIAL LOBBY #1
RESIDENTIAL LOBBY #2
RESIDENTIAL LOBBY #3
RESIDENTIAL LEASING 2221 GSF
FIRE COMMAND CENTER
FIRE PUMP ROOM
GARAGE ENTRANCE
LOADING DOCK
SD PUMP STATION INV IN 29.3 INV OUT 31.4
FORCE MAIN BUBBLER (TYP)
SDMH INV IN 29.9 INV OUT 29.7
SSMH INV IN 23.2 (E) INV OUT 23.0 (SW)
SSMH INV IN 24.3 (N) INV OUT 24.1 (W)
SD PUMP STATION INV IN 25.3 INV IN 31.3 INV OUT 25.5 OVERFLOW
SDMH INV THRU 26.4
SDMH INV 27.0
SDMH INV 29.0
SDMH INV 29.2
SDMH INV 29.5
SDMH INV IN 25.2 (NE) INV OUT 24.9 (NW)
SDMH INV IN 25.5 (E) INV OUT 25.4 (W)
CONNECT TO EX SDMH EX INV 24.6± INV IN 24.8 (NE, SE)
CONNECT TO EX 8" SS EX INV 22.8± INV IN 23.0 (E)
CONNECT TO EX W
CONNECT TO EX 18" SD EX INV 29.4± INV IN 29.6 (S)
6" DOM WITH BACKFLOW PREVENTER
6" W (FIRE)
AD (TYP)
FH (TYP)
SS STUB
PROJECT BNDY
EX 6" W
EX 2" W-REC
EX 2" WSER
EX 6" FIRE
EX 18" SS
EX 15" SS
EX 24" SD
EX 18" SD
EX 12" SD
EX 8" W-REC
EX 6" W-REC
EX 12" W
EX 10" SS
EX 8" SS
EX 6" W-REC
EL: +33.7'
EL: +33.9'
EL: +34.9'
EL: +35.3'
EL: +35.5'
EL: +35.5'
EL: +32.7'
EL: +30.2'
EL: +30.1'
EL: +35.4'
EL: +35.5'
EL: +35.4'
EL: +35.5'
EL: +35.4'
EL: +35.5





TREATMENT AREA 1
TREATMENT AREA PROVIDED =
5,355 SF
SCALE: 1"=20'

LEGEND

- BUILDING NUMBER
- DRAINAGE AREA NUMBER
- TREATMENT AREA NUMBER
- DRAINAGE AREA BOUNDARY
- BIOTREATMENT AREA
- CONCRETE/HARDSCAPE
- BUILDING ROOF AREA
- STORM WATER FORCE MAIN
- STORM DRAIN SYSTEM
- HIGH POINT
- LOW POINT
- CATCH POINT
- DIRECTION OF FLOWS
- STORM DRAIN MANHOLE
- STORM DRAIN INLET
- PUMP STATION
- BUBBLER
- AREA TRIBUTARY TO PUMP STATION
- CURB CUT

STORM WATER MANAGEMENT NOTES:

1. THIS PROJECT IS LOCATED IN THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION. STORMWATER RUNOFF MANAGEMENT SHALL ADHERE TO PROVISION C.3 OF THE MUNICIPAL REGIONAL PERMIT ORDER RB2-2009-0074 ADOPTED OCTOBER 2009.
2. THIS STORM WATER RUNOFF MANAGEMENT PLAN IS CONCEPTUAL AND SUBJECT TO REVISION DURING FINAL DESIGN.
3. STORM WATER VOLUMETRIC BMP SIZING IS BASED ON THE 80% CAPTURE CURVE METHOD SET FORTH IN APPENDIX D OF THE CALIFORNIA STORM WATER BEST MANAGEMENT PRACTICES HANDBOOK FOR NEW DEVELOPMENT (2003), ADJUSTED FOR A LOCAL MEAN ANNUAL PRECIPITATION OF 15". A UNIT BASIN STORAGE FACTOR OF 0.56 IN WAS USED BASED ON AN 80% IMPERVIOUS COVERAGE.
4. AVAILABLE NRCS SOIL MAPS IDENTIFY SOILS IN THE PROJECT AREA AS TYPE 'D' SOILS WITH AN ESTIMATED SATURATED HYDRAULIC CONDUCTIVITY OF .06 IN/HR. DUE TO THE LOW INFILTRATION RATE OF THE SOILS, BIOTREATMENT AREAS WILL INCORPORATE THE USE OF A PERFORATED SUBDRAIN SYSTEM.
5. BMP AREA SIZING IS BASED ON THE COMBINATION FLOW/VOLUME SIZING CRITERIA DESCRIBED IN APPENDIX B OF THE SCVURPPP C.3 STORMWATER HANDBOOK, DATED APRIL 2013. SINCE THE BIOTREATMENT AREAS WILL BE DESIGNED WITH A SUBDRAIN, A DESIGN INFILTRATION RATE OF 5.0 IN/HR WAS USED BASED ON THE INFILTRATION RATE OF THE BIOTREATMENT SOIL MIX LAYER.
6. BASED ON FIG. 8-1 OF THE CITY OF MILPITAS STORM WATER C.3 GUIDEBOOK, THIS PROJECT IS NOT REQUIRED TO CREATE A HYDROGRAPH MODIFICATION MANAGEMENT PLAN BECAUSE THE PROJECT DOES NOT CREATE AN INCREASE IN IMPERVIOUS SURFACE OVER PRE-PROJECT CONDITIONS IN AN AREA THAT IS OVER 90% BUILT-OUT WITH GREATER THAN 65% IMPERVIOUS AREA. FLOOD CONTROL IS ALSO NOT REQUIRED, SINCE THE PROJECT REDUCES THE IMPERVIOUS COVERAGE FROM THE EXISTING CONDITION.

SEE DETAIL BELOW FOR ENLARGED VIEW OF TREATMENT AREA.

STORMWATER RUNOFF MANAGEMENT BMP CALCULATIONS

TRIBUTARY AREA ID	TRIBUTARY AREA (SF)	80% CAPTURE VOLUME (CF)	TREATMENT AREA NEEDED (SF)	TREATMENT AREA AVAILABLE (SF)	TREATMENT AREA ID
A1	239,110	10,601	5,090	5,355	TA1 (PUMP)

ALL PUMPS TO BE SIZED PER THEIR RESPECTIVE TREATMENT AREA AT FINAL DESIGN.

0 30 60 90
SCALE IN FEET: 1"= 30'

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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

SCALE 1"=30'
DATE OCTOBER 5, 2015

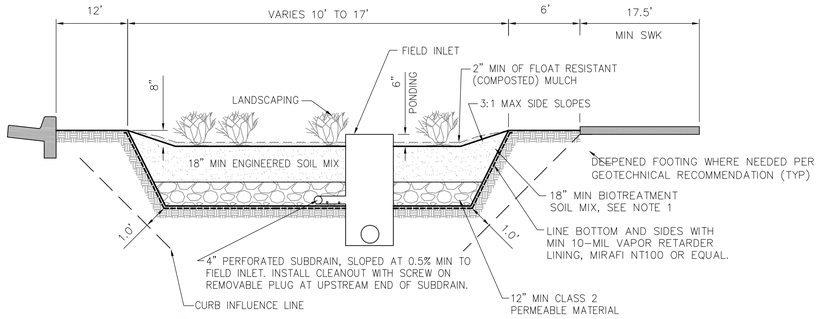
DATE	BY	CK
MK		

SHEET REVISIONS

SHEET
VTM-10
OF 17 SHEETS

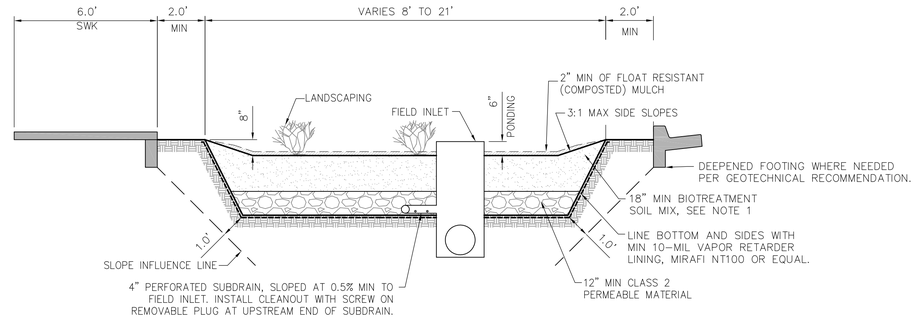
JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\10 CONCEPTUAL STORMWATER CONTROL PLAN.DWG



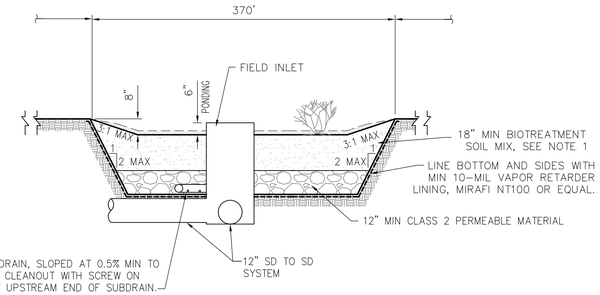
(1) TREATMENT AREA DETAIL
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



(2) TREATMENT AREA DETAIL
NO SCALE

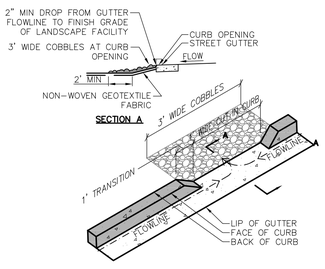
NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.



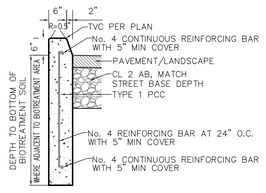
(3) BIOSWALE LONGITUDINAL SECTION
NO SCALE

NOTES:
1. BIORETENTION BASIN DESIGN IS BASED ON CRITERIA WITHIN SECTION 6.1 OF THE SCVURPPP "C.3 STORMWATER HANDBOOK" DATED APRIL 2012.
2. ENGINEERED TOP SOIL SHALL ADHERE TO THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD SPECIFICATIONS FOR BIORETENTION SOIL MIX AND CONTAIN THE FOLLOWING PROPERTIES: 5-10 IN/HR MIN INFILTRATION RATE, 60-70% CLEAN SAND, & 30-40% CERTIFIED COMPOST.
3. SEE LANDSCAPE DRAWINGS FOR BIOSWALE PLANTINGS AND IRRIGATION.

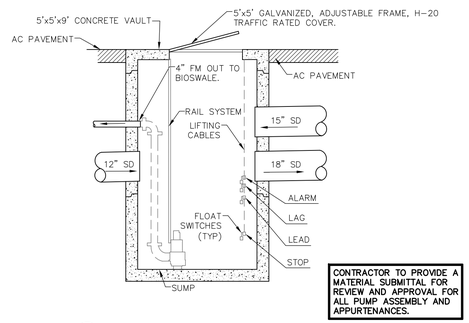
PUMP STATION PLAN VIEW



(4) CURB CUT DETAIL
NO SCALE



(5) DEEPENED VERTICAL CURB DETAIL
NO SCALE



CONTRACTOR TO PROVIDE A MATERIAL SUBMITTAL FOR REVIEW AND APPROVAL FOR ALL PUMP ASSEMBLY AND APPURTENANCES.

(6) PUMP STATION DETAIL
NO SCALE

NOTES:
1. (2) MYERS MODEL 3V15M4-21 SUBMERSIBLE PUMP 1.5 HP, 230 V, 1 PH WITH 35' POWER AND SENSOR CABLES, 5.25" DIAMETER IMPELLER.
2. PUMP WILL BE SIZED FOR STORMWATER QUALITY LOW FLOW REQUIRED VOLUME.

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VESTING TENTATIVE MAP
CONCEPTUAL STORMWATER CONTROL PLAN DETAILS
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

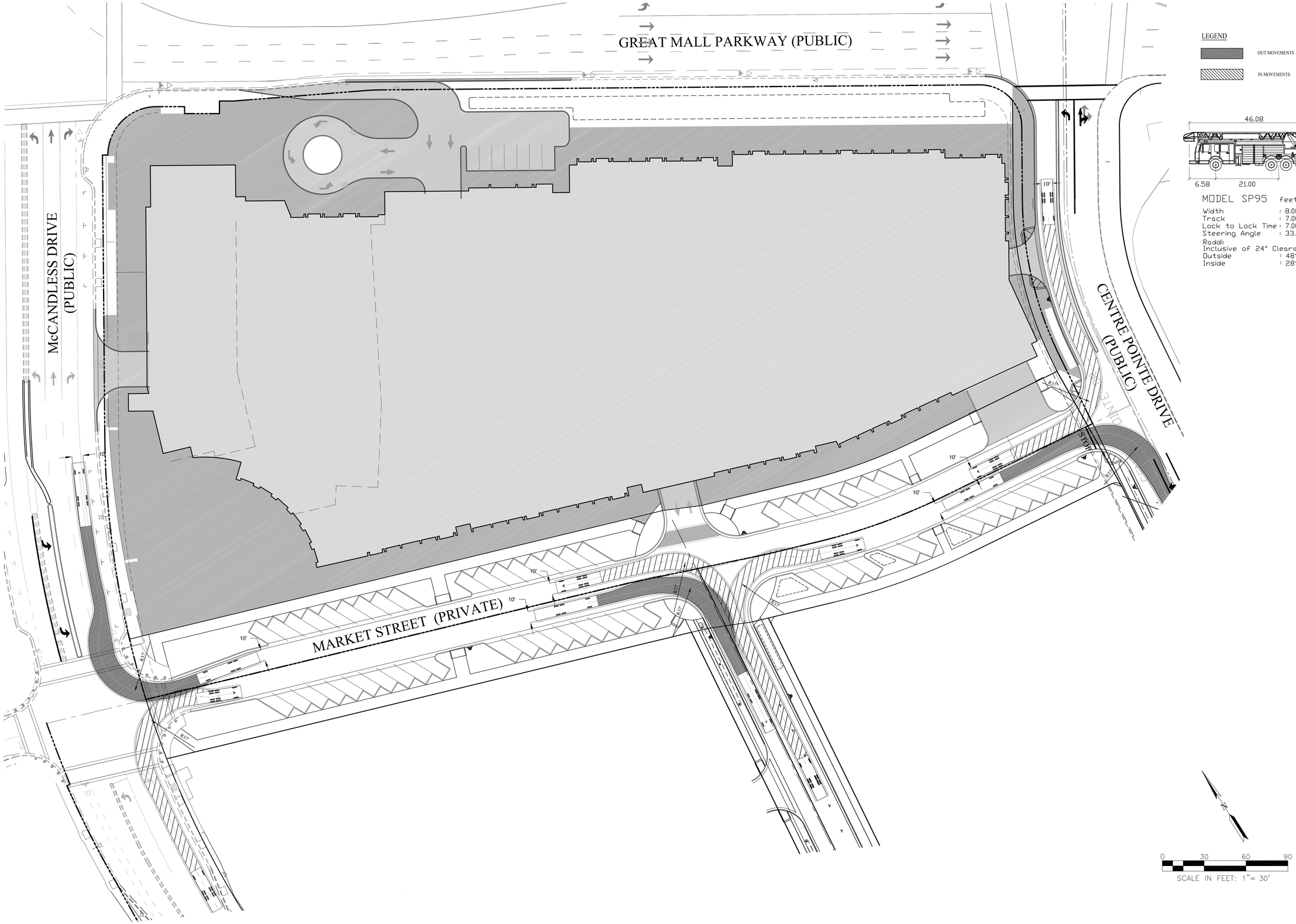
FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	CK	SHEET REVISIONS	SCALE	DATE
					OCTOBER 5, 2015

SHEET
VTM-11
OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\11 CONCEPTUAL STORMWATER CONTROL PLAN DETAILS.DWG



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VESTING TENTATIVE MAP
CONCEPTUAL EMERGENCY VEHICLE PLAN
CENTRE POINTE LOT 3A

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

DATE	MK	SHEET REVISIONS	BY	CK

SCALE 1"=60'

DATE OCTOBER 5, 2015

SHEET
VTM-12
OF 17 SHEETS

JOB NO. 122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\12 CONCEPTUAL EMERGENCY VEHICLE PLAN.DWG

GREAT MALL PARKWAY (PUBLIC)

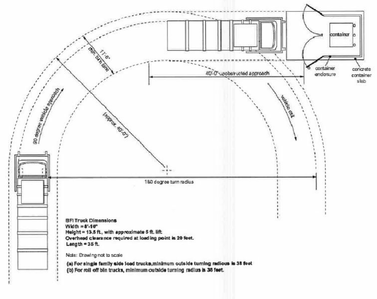
McCANDLESS DRIVE (PUBLIC)

CENTRE POINTE DRIVE (PUBLIC)

MARKET STREET (PRIVATE)

City of Milpitas, Development Guidelines for Solid Waste Service
Page 10 of 16
Revised 5-12-06

Figure 3
Front End Load Collection Truck Access
(see notes (a) and (b) for side load and roll off trucks)



WASTE VEHICLE DETAIL

0 30 60 90
SCALE IN FEET: 1"= 30'

W: \JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\13 CONCEPTUAL SOLID WASTE VEHICLE PLAN.DWG

RUGGERI-JENSEN-AZAR
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VESTING TENTATIVE MAP
CONCEPTUAL SOLID WASTE VEHICLE PLAN
CENTRE POINTE LOT 3A
MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC.

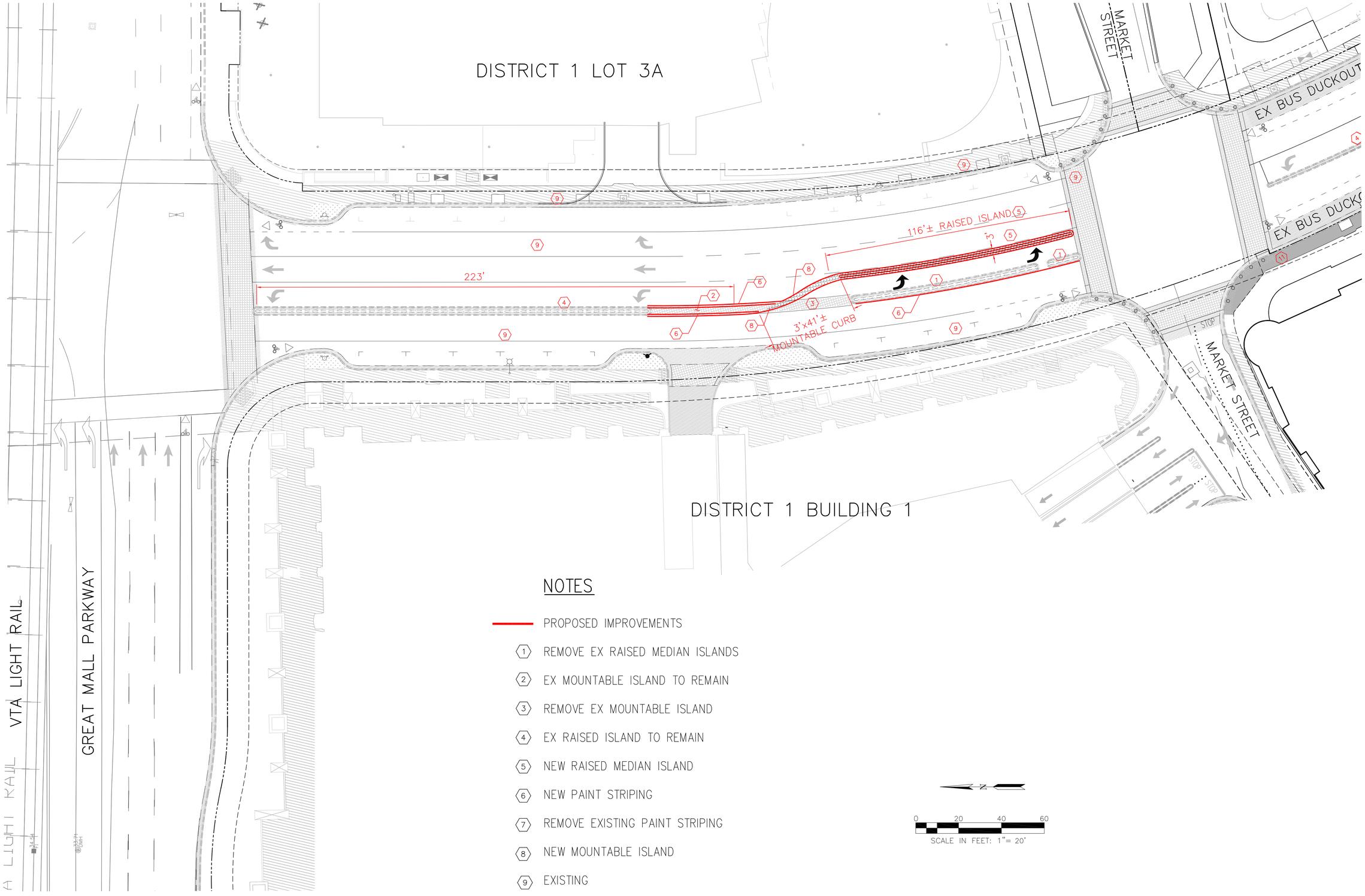
DATE	MK	SHEET REVISIONS	BY	CK

SCALE

DATE OCTOBER 5, 2015

SHEET
VTM-13
OF 17 SHEETS

JOB NO.
122015



NOTES

- PROPOSED IMPROVEMENTS
- (1) REMOVE EX RAISED MEDIAN ISLANDS
- (2) EX MOUNTABLE ISLAND TO REMAIN
- (3) REMOVE EX MOUNTABLE ISLAND
- (4) EX RAISED ISLAND TO REMAIN
- (5) NEW RAISED MEDIAN ISLAND
- (6) NEW PAINT STRIPING
- (7) REMOVE EXISTING PAINT STRIPING
- (8) NEW MOUNTABLE ISLAND
- (9) EXISTING

N

0 20 40 60

SCALE IN FEET: 1"= 20'

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VESTING TENTATIVE MAP
CONCEPTUAL OFFSITE IMPROVEMENTS
CENTRE POINTE LOT 3A

MILPITAS, CALIFORNIA

FOR: LYON CAPITAL VENTURES, LLC

DATE	BY	SHEET REVISIONS	BY	CK

SCALE

DATE OCTOBER 5, 2015

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OF 17 SHEETS

JOB NO.
122015

W:\JOBS 12\122015\DRAWINGS\PRELIM\CENTRE POINTE LOT 3A\TENTATIVE MAP 2015\14 CONCEPTUAL OFFSITE IMPROVEMENTS.DWG

GREAT MALL PARKWAY

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SINGLE ROW OF LONDON PLANE TREE
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2ND LEVEL
FLOOR PLAN

GROUND LEVEL
FLOOR PLAN

CENTRE POINTE DRIVE

McCANDLESS DRIVE

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STREET TREES PER CITY STANDARDS
-BRISBANE BOX
-SOUTHERN MAGNOLIA
-MADENHAIR TREE

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N 0' 10'20' 40' 80'
SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT3A

LANDSCAPE SITE PLAN

COE ARCHITECTURE INTERNATIONAL

LYON

October 5, 2015

GREAT MALL PARKWAY

SINGLE ROW OF LONDON PLANE TREE
APPROX. 25' O.C.

SINGLE ROW OF LONDON
PLANE TREE
APPROX. 25' O.C.

CENTRE POINTE DRIVE

McCANDLESS DRIVE

MARKET STREET

2ND LEVEL
FLOOR PLAN

GROUND LEVEL
FLOOR PLAN

RETAIL #6

RETAIL #5

RETAIL #4

RETAIL #3

RETAIL #2

RESIDENTIAL
LOBBY #1

RESIDENTIAL
LOBBY #2

RESIDENTIAL
LOBBY #3

GARAGE
ENTRANCE

VISITOR / HOTEL PARKING

LOADING
DOCK

SOLID
WASTE
DOCK

DOCK
OFFICE

LIBRARY
433 SF

OPEN TO
BLW

MED.

MED.

ELEV
LOBBY

ICE

AC LOUNGE
1880 SF

HKPG

ET

KITCHEN
980 SF

BREAKFAST
905 SF

PODIUM

MTG
900 SF

MTG
1050 SF

MTG
1222 SF

PRE FUNCTION

8% RAMP AT 58'-0"

8% RAMP AT 34'-0"

8% RAMP AT 36'-0"

2% RAMP

STOP

STOP

STREET TREES PER CITY STANDARDS
-BRISBANE BOX
-SOUTHERN MAGNOLIA
-MADENHAIR TREE

N 0' 10'20' 40' 80'
SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT3A

LANDSCAPE SITE PLAN

October 5, 2015

COE ARCHITECTURE INTERNATIONAL

LYON

GREAT MALL PARKWAY

McCANDLESS DRIVE

CENTRE POINTE DRIVE

MARKET STREET

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0' 4' 8' 16' 32'

SCALE : 1/8"=1'-0"

DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

GREAT MALL PARKWAY

McCANDLESS DRIVE

CENTRE POINTE DRIVE

MARKET STREET

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0' 10' 20' 40' 80'

SCALE : 1"=20'-0"

DISTRICT MILPITAS - LOT3A

COE ARCHITECTURE INTERNATIONAL

SITE PLAN

October 5, 2015

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Campaign Finance Reform Committee
Report to the Milpitas City Council

5A

The Campaign Finance Reform Committee is honored to present our recommendations to the Milpitas City Council for their review and approval.

The Committee was formed by the Milpitas City Council and appointed Bill Ferguson, Lokesh Krishnarajpet, Martha Lamdin, Rajeev Madnawat, Syed Mohsin, Bob Nunez, Althea Polanski, Marty Riker, and Rohit Sharma. The Committee has been supported by the Milpitas City Clerk and Milpitas City Attorney.

The first meeting was held on February 19, 2015 and voted Althea Polanski as Chair and Bill Ferguson as Vice Chair. Through September 2015, the Committee has met seven (7) times.

Mayor Esteves attended the first meeting of the Committee to share the purpose and objectives of the Committee and to answer questions. The City Attorney provided an overview and briefing for the Committee.

The Committee was charged with reviewing the current campaign ordinance and providing recommendations to the Milpitas City Council on any changes that may be relevant to ensure the electoral process in Milpitas would be fair, transparent, and open for voters to make informed decisions when casting a ballot.

The Committee reviewed the current ordinance and was also provided with a briefing by the City Clerk of the official forms that candidates and committees are required by law to submit as well as timelines. The Committee was also provided with information on past election contributions and expenditures as well as a sampling of completed forms.

The Committee brainstormed areas including ‘what is broken’, ‘what is working’, and ‘ideas’ to improve the campaign ordinance. The Committee formed three (3) subcommittees around the areas of Disclosure/Enforcement, Time and Financial Limits, and Campaign Reform.

The process was very open and collaborative with all of our meetings open to the public.

The recommendations include a voluntary contribution CAP for candidates, an election season, additional disclosures, restrictions on accepting contributions from companies with pending projects or contracts with the City of Milpitas, donor reporting disclosures, electronic filing, and seeking input on district/seat elections.

The following provides the detail for the recommendations and committee members will be present to answer questions.

Recommendation 1: Voluntary Total Contribution CAP for mayoral and council candidates

The committee is recommending a voluntary CAP of $20,000 for mayoral candidates and $15,000 for council candidates from all sources including the candidate, spouse, in-kind, etc. The candidate agreeing to the voluntary CAP would sign a declaration affirming their adherence to the voluntary CAP. The committee recommends a cost of living adjustment for the voluntary CAP as well as the per contribution limit which is currently $250.

The voluntary CAP is utilized in other cities. A voluntary CAP will hopefully provide candidates a more equal opportunity to raise funds and get their message out to the registered voters. Fundraising can be time consuming and may be perceived by some as an advantage for incumbents.

Vote: 6 Yes, 0 No, 3 Absent (For Recommendations 1-12, a committee member had to leave due to another commitment.)

Excerpt from Santa Clara for guidance and reference only:

> Beginning in 2014, the contribution limits established in this section shall be adjusted on an annual basis by a percentage equal to the Consumer Price Index for All Urban Consumers for the San Francisco Bay Area (CPI). The adjustment to the contribution limits shall be by City Council resolution adopted at least six months prior to each election. The adjustment shall be rounded off to the nearest ten dollar ($10.00) figure [downward (if four dollars ninety-nine cents ($4.99) or less) or upward (if five dollars ($5.00) or more)].

Recommendation 2: Incentive for Adhering to Voluntary Contribution CAP

The committee is recommending adding a diamond symbol on the ballot for candidates agreeing to a voluntary contribution CAP as well as a brief explanation of what the symbol means. The Santa Clara County Register of Voters has used this for other cities.

The committee is also recommending using the diamond symbol and explanation on the city website, city press releases or city advertisements that list candidates.

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 3: Date to Begin Accepting Contributions

The committee is recommending an election “season” for City of Milpitas elections and recommends no contributions could be received by any candidate six months prior to the date of the election. A specific date is not specified as there may be special elections, primaries, etc.

The committee discussed that there would be no need to accept donations until a person files to run for the elected office. It would be a defined election period to ensure those who already hold office are concentrating on their sworn duties and not seeking donations.

Vote: 5 Yes, 1 No, 3 Absent

From SJ Ordinance for guidance and reference only:

> It is the intent of the city council of the City of San José in enacting this chapter to place realistic and enforceable limits on the amount individuals and independent committees may contribute to political campaigns in municipal office elections for the purpose of preventing the perception by the public that campaign contributors exercise undue or improper influence over elected officials. In order to achieve this purpose it is not necessary to, nor is it the city council's intent to, impose limitations on individuals and committees whose sole objective is the passage or defeat of ballot measures.
>
> Any contribution which is received outside of the campaign contribution period for an election shall not be accepted or deposited but shall be returned to the contributor or donor within five business days.

From Santa Clara for guidance and reference only:

> 2.130.030 Purpose of this chapter.
> This chapter is to be liberally construed to effectuate the following purposes:
>
> (a) Ensure that individuals and interest groups in the city have a fair opportunity to participate in the municipal elective and governmental processes.
>
> (b) Reduce the influence of large contributors with a specific financial stake in matters before the City Council, thus countering the perception that decisions are influenced more by the size of contributions than the best interests of the people of the City.
>
> (c) Encourage candidates to limit their overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
>
> (d) Increase the value of smaller contributions to candidates.
>
> (e) Reduce the fund raising advantage of incumbents and thus encourage competition for elective office.
>
> (f) Allow candidates and officeholders to spend a lesser portion of their time on fund raising and a greater portion of their time dealing with issues of importance to their constituents.
>
> (g) Improve the disclosure of contribution sources in reasonable and effective ways.
>
> (h) Help restore public trust in governmental and electoral institutions. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14).

Recommendation 4: Date to Stop Collecting Contributions

The committee is recommending no contributions be received by any candidate after the close of polls on the specified day of an election. A candidate may contribute as necessary to fulfill any outstanding obligations for his/her campaign committee. The candidate can contribute to his or her own campaign after the date of the election and up to the termination of the committee.

Any other contributions received after this date would need to be returned to the donor and cannot be deposited into the candidate's campaign committee.

The committee sees no reason to continue accepting contributions after the close of the polls as the period for campaigning has ended and it will no longer interfere with any constitutional rights an individual may have in contributing to a candidate.

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 5: Campaign Committee Termination

The committee is recommending all campaign committees be terminated no later than 90 days after the date of the election. If there are funds remaining in the campaign committee, these funds will be disbursed to a Milpitas non-profit.

Vote: 6 Yes, 0 No, 3 Absent

From SF Ordinance for guidance and reference only:

SURPLUS FUNDS. Surplus funds held by a candidate or committee shall be:
(A) returned on a "last in, first out" basis to those persons who have made said contributions;
(B) donated to a charitable organization;
(C) donated to the City and County of San Francisco;
(D) used to pay outstanding campaign debts or accrued expenses;
(E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or

Recommendation 6: Additional Contributor Disclosures

The committee is recommending additional disclosures beyond the requirements by the state. This would necessitate an additional "City" form for campaigns to complete and file with the Milpitas City Clerk.

The candidate would request donors to answer the following question and the answer of yes or no would be included on the new form: *Are you aware of any contracts, projects, or anticipated projects with the City of Milpitas by you or your employer?*

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 7: Restrictions for Projects Pending before the City of Milpitas

The committee recommends that no contributions may be received from a company or the officers of the company that has projects pending before the City of Milpitas within six (6) months of an election.

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 8: Restrictions for Contracts with the City of Milpitas

The committee recommends that no contributions may be received from a company or the officers of the company that has a contract with the City of Milpitas.

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 9: Donor Reporting Disclosures

Currently, the Milpitas City Clerk provides an advertisement listing all donors over $100 in the Milpitas Post the Friday prior to the election date.

The committee is recommending doing two advertisements during an election cycle.

The first advertisement would be after the first pre-election filing and the second advertisement after the second pre-election filing is completed. The second advertisement would list only new donors not reported during the first pre-election filing.

The committee is also recommending adding the name of the employer of the donor to the advertisement and also posting this information on the City's website for all contributions over $100.00.

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 10: Electronic Filing

The committee is recommending electronic filing of campaign reports which would include the ability for a citizen to be able to do searchable data of the reports. It is believed this would provide the citizens more accessibility to campaign reports that would be user friendly especially since Milpitas is in the heart of Silicon Valley.

The Milpitas City Clerk shared there are 2 vendors authorized at this time in the state to allow for electronic filing and a monthly fee is charged. It should also be noted there are not as many reports filed through the City as there are in other jurisdictions that currently utilize electronic filing. It would be important to review the costs to the City and benefits to the residents.

Vote: 6 Yes, 0 No, 3 Absent

From SJ Ordinance for guidance and reference only:

12.06.915 Electronic campaign disclosure.

A. Each candidate, candidate controlled committee and independent committee that is required to file campaign disclosure statements by Chapter 12.06 or the Political Reform Act must file at the same time a copy of the statement in an electronic format with the city clerk, provided the city clerk has prescribed the format at least sixty days before the statement is due to be filed.

B. Once a candidate or committee is subject to the electronic filing requirements imposed by this section, the candidate or committee will remain subject to the electronic filing requirements until the candidate or committee files a termination statement pursuant to Chapter 12.06 and the Political Reform Act.

C. The requirements of this section do not abrogate any requirements in Chapter 12.06 or the Political Reform Act that paper copies be filed.
(Ord. 28678.)

Recommendation 11: District/Seat Elections

The committee is recommending the Milpitas City Council do a survey and/or public outreach to see if the citizens of Milpitas would like district or seat elections. The committee is aware of proposed legislation requiring cities over 100,000 in population to go to district elections. The committee feels that looking at the various issues now may be prudent to discuss as the City continues to increase in population.

The committee believes this may be inevitable in the future. There are many pros and cons to dividing a city into districts for council member elections including the possibility of lowering the costs of campaigning, etc.

Vote: 6 Yes, 0 No, 3 Absent

Recommendation 12: Penalties for Violating Campaign Ordinance

The committee is recommending a number of enforcement mechanisms for violating the City of Milpitas campaign ordinance. It would be a private right of action on all aspects of the ordinance.

If a candidate goes over the voluntary CAP during the election period, the candidate would be sent a 15-day notice by the City to return funds to the donors by a date certain. If the candidate does not comply, the penalty would include returning the amount over the voluntary CAP plus three times the amount to the City of Milpitas or a Milpitas non-profit.

Penalties would be applied in relationship with the seriousness of the offense. For serious or intentional violations of the ordinance, the penalty would be disqualification from holding the office and prohibition from running for office for 10 years. If the violation has a material effect on the election, the candidate shall suffer loss of office.

Any resident of Milpitas would have standing to file a suit on behalf of the voters of Milpitas. After filing a complaint with the City of Milpitas, the city has 90 days to respond to the petitioner. If the city does not take action, then the resident can file an enforcement suit. Attorney fees would be awarded to the prevailing party.

Vote: 5 Yes, 1 No, 3 Absent

The committee also voted to include a statute of limitation of the campaign finance ordinance will be for four (4) years.

Vote: 6 Yes, 0 No, 3 Absent

Excerpts from Santa Clara for guidance and reference only:

Article IV. Voluntary Expenditure Limits

2.130.160 Candidate acceptance or rejection of expenditure limits.

(a) Each candidate for City office shall file a "Declaration of Candidacy Statement" ("Declaration") which shall be in a form to be determined by the City Clerk before that candidate accepts any campaign contributions. At the time of filing his/her declaration, the candidate shall indicate on the Declaration his/her acceptance or rejection of the voluntary expenditure limit of twenty-five thousand dollars ($25,000.00 – the base was established in February, 2000), which, beginning in 2014, shall be adjusted on an annual basis solely by a percentage equal to the San Francisco Bay Area All Urban Consumer Price Index (CPI). The adjustment to the voluntary expenditure limit shall be by City Council resolution adopted at least six months prior to each election. The adjustment shall be rounded off to the nearest hundred dollar ($100.00) figure [downward (if forty-nine dollars ninety-nine cents ($49.99) or less) or upward (if fifty dollars ($50.00) or more)].

(b) For candidates accepting the voluntary expenditure limits, the following advantages apply:

(3) The sample ballot shall contain a designation that the candidate was a participant in the voluntary expenditure limit program.

(4) The candidate's name shall be listed in a newspaper of general circulation indicating they have been a participant in the voluntary expenditure limit program.

(5) The candidate's participation in the voluntary expenditure limit program shall be disseminated for public information on the City's website, government access cable television channel, public libraries, public offices, etc.

(c) A candidate who agrees to accept the voluntary expenditure limit in this article may not change that decision, except where an opposing candidate files a statement of rejection of the voluntary expenditure limit, the candidate may rescind his/her acceptance of the voluntary expenditure limit within seventy-two (72) hours of the final date that nomination papers can be filed;

Article VI. Enforcement

2.130.190 Penalties for violation of this chapter.
Pursuant to SCCC 1.05.070, the enforcement of violations of the provisions of this chapter may be prosecuted as an infraction or misdemeanor.

(a) Infraction/Misdemeanor. Any person who violates any of the provisions of this chapter shall be guilty of an infraction and/or misdemeanor.

(b) Prosecution. Every violation of this chapter shall be a misdemeanor; provided, however, that where the prosecutor has determined that such action would be in the best interest of justice, the prosecutor may specify in the accusatory pleading or citation, that the violation shall be prosecuted as an infraction.

(c) Penalty for Infraction. Each and every violation of this chapter which is deemed an infraction is punishable by a fine not exceeding two hundred fifty dollars ($250.00).

(d) Penalty for Misdemeanor. Each and every violation of this chapter which is deemed a misdemeanor is punishable by a penalty of not more than one thousand dollars ($1,000.00), or by imprisonment in the City or County jail for a period of not exceeding six months, or by both penalty and imprisonment. (Ord. 1924 § 1, 4-22-14).

2.130.200 Civil actions.
(a) Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by a person residing within the city for an amount not more than three times the amount of the unlawful contribution or expenditure.

(b) If two or more persons are responsible for any violation, they shall be jointly and severally liable.

(c) In determining the amount of liability, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action, the plaintiff shall receive fifty percent (50%) of the amount recovered. The remaining fifty percent (50%) shall be deposited into the general fund of the City. In an action brought by the District Attorney, the judgment shall be paid to the general fund of the County of Santa Clara.

(d) No civil action alleging a violation of any provision of this Act shall be filed more than two years after the date the violation occurred.

(e) The provisions of SCCC 2.130.240, Effect of violation on outcome of election, shall apply. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.190).

2.130.210 Injunctive relief.
Any person residing in the City may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.200).

2.130.220 Cost of litigation.
The court may award to a plaintiff or defendant who prevails in any action authorized by this chapter, costs of litigation, including reasonable attorneys' fees. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.210).

2.130.230 Disqualification.
In addition to any other penalties prescribed by law, if an official receives a contribution in violation of this chapter, the official shall not be permitted to make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which the contributor has a financial interest. The provisions of Government Code § 87100 et seq., and the pertinent regulations of the Fair Political Practices Commission (Title 2, Division 6, Chapter 7 (entitled "Conflicts of Interest" – Section 18700 et seq.)) shall apply to interpretations of this section. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.220).

2.130.240 Effect of violation on outcome of election.
If a candidate is found by a court (or jury) to have violated any provision of this chapter, the court shall make a determination as to whether the violation had a material effect on the outcome of the election. If the court finds the violation did have a material effect on the election, the following shall apply.

(a) If the court determination becomes final before the date of the election, the votes for such candidate shall not be counted and the election shall be determined on the basis of the votes cast for the other candidates in that race;

(b) If the court determination becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided in the City Charter and City Code;

(c) If the court determination becomes final after the candidate has assumed office, then the candidate shall be removed from office, the office shall be deemed vacant and shall be filled as otherwise provided in the City Charter and City Code;

(d) The court may determine the candidate shall be ineligible to hold any elective City office for a period of four years after the date of such court determination that a violation occurred;

(e) In a criminal proceeding, a plea of nolo contendere shall form the basis for a court determination of the impact of the violation of this chapter. (Ord. 1745 § 2, 1-11-00; Ord. 1924 § 1, 4-22-14. Formerly 2.130.170).

2.130.250 Right to cure violation.
A candidate or candidate controlled committee that accepts a contribution in violation of this chapter shall not be penalized, if the candidate or candidate controlled committee returns the contribution or contributes it to the City general fund or to a charitable organization within seven days of its receipt. (Ord. 1924 § 1, 4-22-14).

The committee also discussed a proposal to place the final ordinance on the ballot at the September 29, 2015 meeting and voted on the following for City Council consideration.

Recommendation 13: City Council Authority

It was moved that when a final campaign ordinance is approved, it would require a unanimous vote of the city council to make any changes or to rescind the ordinance completely.

Vote: 4 Yes, 3 No, 2 Absent

Recommendation 14: Final Campaign Ordinance to a Vote of the Public

It was moved to put the final campaign ordinance on the ballot to be approved by the voters.

Vote: 4 Yes, 3 No, 2 Absent

Meeting Minutes of the City of Milpitas
Campaign Finance Reform Committee

MONDAY, SEPTEMBER 29, 2015
6:00 PM
Milpitas City Hall, Committee Room, 1st floor
455 E. Calaveras Boulevard, Milpitas, CA

CALL TO ORDER
Chair Althea Polanski called the meeting to order at 6:06 PM.

ROLL CALL
Committee Members present were: Althea Polanski, Bill Ferguson, Syed Mohsin, Bob Nunez and Rajeev Madnawat

Committee members absent were: Rohit Sharma and Lokesh Krishnarajpet. Marty Riker arrived at 6:09 PM. Martha Lamdin arrived at 6:14 PM.

Syed Mohsin announced that he would depart the meeting near 7:00 PM due to another meeting he had to attend.

Staff present were City Clerk Mary Lavelle and City Attorney Chris Diaz.

AGENDA
Agenda for this meeting was approved by unanimous vote of the Committee, upon motion by Rajeev Madnawat and seconded by Bob Nunez.

MINUTES
Meeting Minutes of August 17, 2015 were approved by unanimous vote of the Committee, upon motion by Rajeev Madnawat and seconded by Bob Nunez. Syed Mohsin abstained from the vote.

PUBLIC FORUM
Jenifer Lind, Milpitas resident, told the Committee that she had enjoyed the process as she followed along from the audience. She did not agree with all of what was recommended and found some of the comments were presumptuous about voters. Also, she did not agree that all developers were bad, as partly characterized in meetings by some committee members' comments. She was curious what the Council and voters would say. She had learned a lot in the discussions.

DISCUSSION
Bob Nunez, commented on an article of interest, pointing out ideas that were happening in California cities, such as legislation for cities greater than 100,000 population going to district elections, rather than city-wide. Rajeev Madnawat favored the concept of district elections, and the Chair noted she could include the article in the report to Council.

Rajeev Madnawat recommended placing an ordinance on the ballot for the City's voters on the topics the group had been discussing. He would like to have it go to voters, and then the ordinance would be in stone, and Council could not change it. His suggestion was to present an ordinance to City Council, and then have it adopted by the voters. Another suggestion was to perhaps recommend adoption of an ordinance by a unanimous 5–0 vote of the Council. Bob Nunez favored the unanimous Council vote approach, not going onto the election ballot.

Chair Polanski said she would identify the following request as Recommendation No. 13

Moved by Bob Nunez, and seconded by Marty Riker: to give a recommendation to City Council on a campaign ordinance, and then upon the ordinance's approval, it would later require unanimous vote to make changes or to have it rescinded completely. Recommendation was approved with 4 in favor (Althea, Bob, Marty, Syed) and with 3 opposed (Rajeev, Bill, Martha).

Chair Polanski said she would identify the following request as Recommendation No. 14

Moved by Rajeev Madnawat, and seconded by Bill Ferguson, to require that the final ordinance would be put on the ballot for approval by the voters. Recommendation was approved with 4 in favor (Syed, Martha, Rajeev, Bill) and with 3 opposed (Bob, Marty, Althea).

Next, Rajeev Madnawat wanted to recommend that the City Council send any draft ordinance back to the Committee for comments. Chair Althea thought this was a good idea. The consensus was to agree with this idea but leave it up to the Chair if there were substantive changes to an ordinance proposed, then yes, have another meeting for review, but otherwise, no.

Syed Mohsin departed the meeting at 7:02 PM. He supported what was written in the proposal, of all the recommendations drafted by the Chair.

Next, the committee reviewed all final recommendations on the drafted Report to Council, going through each one, items number 1 through number 12 (with numbers 13 and 14 added above).

Recommendation No. 1
This item yielded discussion around a contribution cap versus a possible expenditure limit. City Attorney Diaz remarked there was more "strict scrutiny" on an expenditure limit. He gave a suggestion to clarify candidate self-loan amounts and whether those were included.

Bill Ferguson recommended adding language: include contributions from all sources including the candidate's own personal funds and in-kind contributions. There was some discussion on using CPI to escalate the limit each year or two.

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Martha Lamdin, and including the additional language.

Recommendation No. 2
Provide incentive for adhering to voluntary contribution cap.

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Bob Nunez, to add the diamond mark next to candidate's name on the ballot to indicate acceptance of the voluntary cap, and also on city ads.

Recommendation No. 3
Date to begin accepting contributions

Recommendation was approved with 5 in favor and 1 opposed (Bill Ferguson), upon motion by Bob Nunez and seconded by Martha Lamdin, to limit campaign contributions time frame to six months prior to the date of the election. Bob Nunez also required removal of one paragraph in the draft report (third paragraph of Recommendation No. 3 on draft final report). Chair Althea stressed that justification would be needed for this one.

Recommendation No. 4
Date to stop accepting contributions, with change to no later than 10 days after election, as discussed.

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Marty Riker.

Recommendation No. 5
Date to terminate campaign committee – 90 days after election day

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Bob Nunez.

Recommendation No. 6
Additional campaign disclosures, regarding disclosure of contracts with the city known by the donor, including any "anticipated contracts" (as suggested by the City Attorney)

Recommendation was approved with 6 in favor, upon motion by Bill Ferguson and seconded by Marty Riker.

Recommendation No. 7
Restrictions if projects pending before the City, for 6 months prior to election day

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Bill Ferguson.

Recommendation No. 8
No contributions allowed from company or officers if any current contract with City

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Marty Riker.

Recommendation No. 9
Two newspaper ads of donors of $100 or more, prior to election (adding one to current requirement) and include employer of contributor in the ad

Recommendation was approved with 6 in favor, upon motion by Rajeev Madnawat and seconded by Marty Riker.

Recommendation No. 10
Require electronic filing of campaign reports

Recommendation was approved with 6 in favor, upon motion by Marty Riker and seconded by Bob Nunez.

Recommendation No. 11
Survey residents about the concept of district elections, in place of current city-wide voting. Change text in report from "new law" to "proposed legislation."

Recommendation was approved with 6 in favor, upon motion by Marty Riker and seconded by Bob Nunez.

Recommendation No. 12
Require penalties for violating campaign ordinance

Recommendation was approved with 5 in favor and 1 opposed (Martha Lamdin), upon motion by Rajeev Madnawat and seconded by Bob Nunez. Motion included adding one sentence to report about "guidance" from City of Santa Clara for enforcement and penalties.

Martha Lamdin did not agree with citizens of Milpitas filing complaints, and had many questions on that concept and process. Chair Althea Polanski discussed the need for accountability as a reason to include penalties for such violations.

City Council could work with the City Attorney to come up with fines and penalties.

At the conclusion of discussion and votes on Recommendations No. 1 – 14, the Chair asked Bill Ferguson about his request for a further recommendation of four years limit to file any violations of the ordinance.

Upon motion by Bill Ferguson, and seconded by Rajeev Madnawat, the Committee agreed to add a "statute of limitations on penalties" for violations that would be four years (not one as per usual). The added language was approved by unanimous 6–0 vote to be incorporated into Recommendation No. 12.

Chair Polanski said she will check with the Mayor on presenting recommendations to the City Council, with the suggested Tuesday, November date. She and staff will report back to the committee members, with confirmation of that date. She would be pleased to have Committee members present with her at that City Council meeting when presenting the final recommendations of the Campaign Finance Reform Committee.

The meeting was adjourned at 8:57 PM. Chair Althea Polanski thanked all committee members for their hard work.

Meeting minutes prepared
by Mary Lavelle, City Clerk

SANTA CLARA COUNTY OFFICIAL BALLOT – CONTINUED
CONDADO DE SANTA CLARA BOLETA OFICIAL – CONTINUACIÓN

CITY
CIUDAD

***CITY OF CUPERTINO**
***CIUDAD DE CUPERTINO**

Member, City Council
Miembro del Concejo Municipal

Vote for no more than Three
Vote por no más de Tres

- **MICHAEL HUNSWECK**
  Semiconductor Chip Engineer
  Ingeniero en Chips Semiconductores
- **ANDY HUANG**
  Entrepreneur
  Empresario
- **DON SUN**
  Businessman
  Hombre de Negocios
- **MARK SANTORO**
  Incumbent
  Titular
- **DARCY PAUL**
  Attorney/Parent
  Abogado/Padre de Familia
- **SAVITA VAIDHYANATHAN**
  Community Volunteer
  Voluntaria Comunitaria
- **BARRY CHANG**
  Incumbent
  Titular
- **ROBERT MCCOY**
  Community Volunteer
  Voluntario Comunitario

MEASURES SUBMITTED TO THE VOTERS
MEDIDAS SOMETIDAS A LOS VOTANTES

STATE
ESTATAL

1 **WATER BOND. FUNDING FOR WATER QUALITY, SUPPLY, TREATMENT, AND STORAGE PROJECTS.** Authorizes $7.545 billion in general obligation bonds for state water supply infrastructure projects, including surface and groundwater storage, ecosystem and watershed protection and restoration, and drinking water protection. Fiscal Impact: Increased state bond costs averaging $360 million annually over 40 years. Local government savings for water-related projects, likely averaging a couple hundred million dollars annually over the next few decades.

BONOS DE AGUA. FINANCIAMIENTO PARA LA CALIDAD, SUMINISTRO, TRATAMIENTO Y PROYECTOS DE ALMACENAMIENTO DE AGUA. Autoriza $7.545 mil millones en bonos de obligación general para proyectos estatales de infraestructura de suministro de agua, incluyendo almacenamiento de aguas superficiales y subterráneas, protección y restauración del ecosistema y las cuencas, y protección del agua potable. Impacto fiscal: Incremento de los costos de los bonos estatales con un promedio de $360 millones anuales durante 40 años. Ahorros para el gobierno local por proyectos relacionados con el agua, posiblemente promediando un par de cientos de millones de dólares anuales durante las próximas décadas.

YES / SÍ
NO / NO

45 **HEALTHCARE INSURANCE. RATE CHANGES. INITIATIVE STATUTE.** Requires Insurance Commissioner's approval before health insurer can change its rates or anything else affecting the charges associated with health insurance. Provides for public notice, disclosure, and hearing, and subsequent judicial review. Exempts employer large group health plans. Fiscal Impact: Increased state administrative costs to regulate health insurance, likely not exceeding the low millions of dollars annually in most years, funded from fees paid by health insurance companies.

SEGURO DE CUIDADOS DE LA SALUD. CAMBIOS DE TARIFAS. INICIATIVA PARA PROMULGAR UN ESTATUTO. Exige la aprobación del Comisionado de Seguros antes de que las aseguradoras de salud puedan cambiar sus tarifas o cualquier cosa que afecte los cargos relacionados con el seguro de salud. Prevé aviso público, divulgación, y audiencia, y posterior revisión judicial. Exime a los planes de salud para grupos grandes proporcionados por empleadores. Impacto fiscal: Incremento de los costos administrativos del estado para regular el seguro de salud, que muy probablemente no excederá unos pocos millones de dólares anuales en la mayoría de los años, financiado con las tarifas pagadas por las compañías de seguro.

YES / SÍ
NO / NO

46 **DRUG AND ALCOHOL TESTING OF DOCTORS. MEDICAL NEGLIGENCE LAWSUITS. INITIATIVE STATUTE.** Requires drug testing of doctors. Requires review of statewide prescription database before prescribing controlled substances. Increases $250,000 pain/suffering cap in medical negligence lawsuits for inflation. Fiscal Impact: State and local government costs from raising the cap on medical malpractice damages ranging from tens

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November 6, 2015

Mr. Steve Machida
Director of Engineering
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Solid Waste Rates Financial Analysis for the City of Milpitas for Rate Years 2016 and 2017

Reference Number: S3889

Dear Mr. Machida:

HF&H Consultants, LLC is pleased to present this report documenting our findings and recommendations to the City of Milpitas (City) from our solid waste rates financial analysis for solid waste rates effective January 1, 2016 through September 5, 2017.

The review was conducted in accordance with the following agreements (Agreements):

1.) The September 2, 1986 franchise agreement with Republic Services, Inc. (Republic), to collect, process and dispose of solid waste and recyclables; and,

2.) The December 17, 1996 franchise agreement with Republic to collect and process yard trimmings (Agreements).

This letter report is organized into the following sections:

- Executive Summary
- Background
- Scope of Work and Limitations
- Findings

EXECUTIVE SUMMARY

Republic's application, dated July 7, 2015, requested increases to current rates (ranging from 4.37% to 9.94%), to be effective for the twenty month period ending September 5, 2017. The rate increases are due to the rectification of projections for the reimbursement of landfill costs related to "Subtitle D Costs" that were included in the prior rate adjustment calculation, plus the addition of 2017 "Subtitle D

Costs" projections to reflect costs throughout the end of the contract, set to expire September 5, 2017. In addition to the "Subtitle D Costs", cost-of-living increases for non-landfill related expenses was 3.98%.

Based on our review of Republic's application and discussions with Republic and the City, we adjusted:

1. The 2016-2017 Extraordinary Rate for roll off refuse service to exclude the incorrectly applied container yards to the extraordinary cost component;

2. The Subtitle D Extraordinary Costs to reconcile the 2013 and 2014 estimated costs with "actual costs", which are then also used as estimates in the rate application for the 2015, 2016 and 2017 extraordinary costs. The "actual costs" for 2013 and 2014 are scheduled to be reviewed by the City's designated consulting firm. Upon the completion of the review by the City's consultants, any adjustments, if necessary, will be reflected in the final reconciliation.

   In addition we corrected a spreadsheet error to include the impact of the price per ton variance for the 2014 and 2015 estimated landfill tax expense with actual landfill tax expense;

3. The estimated FY 2015-16 Solid Waste Enforcement Fee for the City of San Jose with the actual adopted per ton rate;

4. The street sweeping component of the base rate for single unit dwellings and multi-unit front end loader recycling to correct for a spreadsheet error in which the monthly rate was calculated for 24-months instead of 20-months. In addition, we updated the April, May and June 2015 estimated residential and commercial curb miles with the actual curb miles;

Table 1 below lists the revised proposed maximum rate increases for the main customer types assuming an increase effective January 1, 2016.

Table 1
HF&H Adjusted Rate Increases
Effective January 1, 2016

Customer Type	Rate Adjustment (eff. 1/1/16)		
Single Unit Dwellings			8.27%
Multi-Unit Dwellings	9.34%	to	15.19%
Commercial Services	8.14%	to	11.76%
Roll-off Services	8.34%	to	12.60%

The following table shows a comparison of the current and proposed single-unit rates for 2016 and 2017:

Table 2
Single Unit Dwelling Rates
2016 – 2017 Rate Adjustment

Customer Type	Current Rate	Proposed Rate	$$ Change
Single Unit - Regular	$31.30	$33.89	$2.59
Single Unit - Senior	$15.65	$16.96	$1.31
Single Unit – Mobile Parks*	$ 8.65	$10.34	$1.69

*Does not include yard trimmings or recycling services.

BACKGROUND

The City is a party to two agreements with Republic (collectively the Agreements) and the agreed upon rate setting practices are documented in Articles 8 of the Agreements. The Agreements are:

1. A franchise agreement with Republic (formerly Browning Ferris Industries), and last amended on December 3, 2013, for the exclusive right to collect, process and dispose of solid waste and recyclables within the City; and,

2. A second franchise agreement with Republic (formerly Browning Ferris Industries), and last amended on December 3, 2013, for the exclusive right to collect and process yard trimmings from single-unit dwellings within the City.

In accordance with the Agreements, the cost-of-living adjustment shall be calculated by adjusting (increasing or decreasing as appropriate) each base by 75% of the net percentage change in the Consumer Price Index, All Urban Consumers, for the San Francisco/Oakland/San Jose Metropolitan Area from April 2013 to April 2015. In addition, the Agreements allow Republic to request an adjustment to cover extraordinary costs, such as changes in disposal charges resulting from changes in law, regulatory fees, and Subtitle D costs incurred at the landfill, etc. Further, changes, if any, to City fees and/or resulting from City-requested changes in services are also incorporated into the calculation of the biennial rate adjustment if necessary.

The last rate setting process resulted in rates being adjusted one time on January 1, 2014 over the two year period ended December 31, 2015.

REPUBLIC'S APPLICATION FOR 2016 - 2017

Republic submitted its application on July 7, 2015 requesting the adjustments to current rates at various service levels, to be effective for the twenty month period ended September 5, 2017.

Table 2 shows the rate adjustments requested by Republic:

Table 3
Republic Rate Adjustment Requests

Customer Type	Rate Adjustment (eff. 1/1/16)		
Single Unit Dwellings			6.36%
Multi-Unit Dwellings	6.84%	to	9.94%
Commercial Services	6.28%	to	8.27%
Roll-off Services	4.37%	to	4.75%

Republic requested rate increases are mainly related to additional Subtitle D extraordinary costs included in the rate application for 2017, to account for all costs incurred through the end of existing agreement set to expire on September 5, 2017.

In light of the existing Agreement expiring on September 5, 2017, final true-up of estimated to actual 2015, 2016 and 2017 Subtitle D extraordinary costs will occur after final invoices are submitted to the City by Republic. Paragraph 31 of the Agreement, titled 'Obligations Surviving Termination,' states that 'Republic shall have a continuing obligation to pay the City all compensation pursuant to Paragraph 11 of the Agreement for services provided prior to the termination date, and the City shall have the continuing obligation to pay the Republic all sums due and owning as of the termination date pursuant to Paragraph 12 of the Agreement'.

SCOPE OF WORK AND LIMITATIONS

Our scope of work included the following:

- We reviewed the mathematical accuracy and logical consistency of the rate adjustment statement;
- We verified the calculation of the indices used to adjust the collection rates, ensuring compliance with the current contractual requirements;
- We identified any non-recurring or fully-amortized costs that should have been deleted prior to applying the applicable CPI adjustment to the base rate;
- We reviewed Republic's calculation of the annual Subtitle D costs related to the landfill, including the verification of the proper calculation of interest expense;
- We obtained from the City information regarding any proposed changes in City fees included in the solid waste rates;

- We verified the calculation of the new rates based on our findings and recommended adjustments from the tasks described above; and,

- We prepared this letter report documenting our findings and recommendations.

Our review was substantially different than an examination performed in accordance with Generally Accepted Auditing Standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

The review of the costs submitted by Republic for reimbursement through the rates for landfill-related regulatory requirements (Subtitle D) are reviewed by another consulting firm as to the appropriateness of inclusion in the rate adjustment statement. We are relying on their report for the proper inclusion of the costs.

The review does not look at the actual costs to Republic for providing collection service to the City. Therefore, we cannot express an opinion on the adequacy of the revenue generated by the rates to compensate Republic for its costs of service plus a reasonable profit.

FINDINGS

HF&H reviewed Republic's rate adjustment application for mathematical accuracy and logical consistency. As part of this process we made the following changes to the application:

- **2016 Base and Extraordinary Rates.** Republic incorrectly applied the 24-month January 2014 to December 2015 container yards to the extraordinary cost component for roll off refuse service. We recalculated the rate adjustment to apply the 2016-2017 projected container yards for the 20 month rate-setting period, thus, reducing the roll off refuse container yards from 107,444 to 89,537 yards, and resulting in a $0.62 per roll-off container yard increase.

  Subtitle D Expense Reconciliation. Due to the timing of the preparation of the rate application, Republic included estimates for 2013 and 2014 Subtitle D costs. Subsequently Republic provided its' "actual costs" for 2013 and 2014. HF&H reconciled the Subtitle D costs using the "actual costs" for 2013 and 2014, which are also the basis for the estimates for 2015, 2016 and 2017. The adjustment resulted in an increase of $525,083 Subtitle D costs, or an increase of $0.56 per single family unit; $0.40 per container yard; and $1.21 for roll-off container yard. The "actual costs" for 2013 and 2014 are scheduled to be reviewed by the City's designated consulting firm. Upon the completion of the review by the City's consultants, any adjustments, if necessary, will be reflected in the final reconciliation.

  Included in the Subtitle D Expense Reconciliation is a true up of the estimated to actual Landfill tax expense for the previous two calendar years. Due to a spreadsheet error, the landfill tax reconciliation was incorrectly ignoring the impacts of the price variance from the estimated to actual per ton landfill tax expense, and capturing the tonnage variance only. HF&H corrected

the spreadsheet error to include the net impact of the price and volume variance in the landfill tax reconciliation. The adjustment resulted in a decrease of $15,617 of 2014-15 landfill tax expense, or a decrease of $0.02 per single family unit, $0.01 per container yard, and $0.04 per roll-off container yard.

- **Landfill Taxes.** Due to the timing of the preparation of the rate application, an estimate of the FY 2015-16 proposed Solid Waste Enforcement Fee for the City of San Jose of $1.27 per ton was included in the 2016-17 rate application. We recalculated the landfill tax component using the adopted FY 2015-16 rate of $1.08 per ton, resulting in a decrease of $25,816 in landfill tax expense, or $0.02 per single family unit; $0.02 per container yard; and $0.05 for roll-off container yard.

- **Street Sweeping Costs.** The revenue requirement for street sweeping costs is derived by multiplying the rate per curb mile by the miles of residential and commercial mile swept for the most recently completed fiscal year. The average monthly cost is then used to project the street sweeping revenue requirement over the 20-month projection period. The total cost is then apportioned to each line of business by using the "projected" tons by line of business as a percentage of the total tonnage. Additionally, the cost component for street sweeping is allocated to each customer type based on projected yards (commercial and roll-off) and units (single-unit and multi-unit residential). HF&H found Republic used 24 months instead of 20 months to calculate revenue requirement, and the single unit and multi-unit residential per unit rate, and the commercial and roll off container yards. Also, due to the timing of the preparation of the rate application, an estimate of the April, May and June 2015 residential and commercial curb miles was applied to the rate per curb mile. HF&H updated the curb miles for the aforementioned months, and the number of months used to apportion the costs from 24 to 20 months. The net result of the corrections resulted in a decrease of $0.01 per Single Family Unit, $0.05 per container yard, and $0.17 per roll off container yard.

- **Summary of Adjustments.** The following tables present the effect of our findings on the most common rates.

Table 4
Single Unit Monthly Rates

Item Description	Monthly Rate per Republic Application	HF&H Adjustments	Adjusted Monthly Rate
Base Rate	$31.13	($0.01)	$31.12
Extraordinary Items	$2.16	$0.61	$2.77
	$33.29	$0.60	$33.89

Table 5
Multi-Unit Refuse Rate
(2 Cubic Yard bin, serviced two-times per week)

Item Description	Monthly Rate per Republic Application	HF&H Adjustments	Adjusted Monthly Rate
Base Rate	$194.60	$0.00	$194.60
Extraordinary Items	$28.76	$7.48	$36.24
	$223.36	$7.48	$230.84

Table 6
Commercial Refuse Rate
(3 Cubic Yard bin, serviced one-time per week)

Item Description	Monthly Rate per Republic Application	HF&H Adjustments	Adjusted Monthly Rate
Base Rate	$180.59	$0.00	$180.59
Extraordinary Items	$29.99	$4.90	$34.89
	$210.58	$4.90	$215.48

Table 7
Roll-off Recycling per Service Rate
(30 Cubic Yard bin)

Item Description	Monthly Rate per Republic Application	HF&H Adjustments	Adjusted Monthly Rate
Base Rate	$640.01	$0.00	$640.01
Extraordinary Items	$226.36	$56.32	$282.68
	$866.37	$56.32	$922.69

* * * *

We would like to express our appreciation to Republic management and staff for their assistance. In addition, we express our appreciation to you and City staff for assistance and guidance during the course of the review. Should you have any questions, please call me at 925-977-6961

Very truly yours,

HF&H CONSULTANTS, LLC

/s/ Marva M. Sheehan

Marva M. Sheehan, CPA
Vice President

cc: Mr. Gil Cheso, Republic Waste Services

HF&H Client Files

Attachment A: Final Rate Model

Attachment B: Proposed Rate Schedules

City of Milpitas

2016-2017 Biennial Rate Application

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RELEVANT DATA (Series ID: CUURA422SA0)								**CPI**		
1)	x(i)	CPI Index (All Urban Consumers) April 2015						257.62		
	x(i-2)	CPI Index (All Urban Consumers) April 2013						244.68		
							Increase/(Decrease) in Index	13.00		
							Per rounding convention stipulated in Section 8(b)(1)			
COMPUTATION OF PRICE INCREASE										
2)	Net Percentage Change (NPC) =							5.31%		
3)	Percent Allowed Per Contract =							75%		
							Price Increase For CPI Change	**3.98%**		

EXTRAORDINARY COSTS

Subtitle D related expenditures:

Extraordinary Cost Detail	**Date of Claim**	**Claim Base (1)**	**Interest Rate (2)**	**Useful Life Exp/CapEx**	**Years To Finance (3)**	**Claim Base w/ Interest**	**$ Included New Rates**	**Biennial Years Effected**
2006 capital expense (2006-2016)	06/28/07	$ 94,772.88	9.25%	10.0	10.0	$ 142,988.59	$ 20,707.87	2012, 2014, 2016
2007 capital expense (2007-2016)	01/16/09	$ 26,698.96	4.25%	10.0	8.0	$ 32,372.48	$ 6,958.42	2012, 2014, 2016
2008 capital expense (2008-2017)	05/26/09	$ 3,227.04	4.25%	10.0	8.0	$ 3,844.21	$ 841.05	2012, 2014, 2016
2009 capital expense (2012-2017)	06/17/13	$ 25,876.53	4.25%	5.7	6.2	$ 29,563.94	$ 7,901.86	2012, 2014, 2016
2010 capital expense (2012-2017)	06/17/13	$ 82,867.05	4.25%	5.7	6.2	$ 94,675.60	$ 25,304.92	2012, 2014, 2016
2011 capital expense (2014-2017)	06/17/13	$ 97,484.59	4.25%	3.7	4.2	$ 107,277.36	$ 46,006.08	2014, 2016
2012 capital expense (2014-2017)	06/17/13	$ 183,080.93	4.25%	3.7	4.2	$ 201,472.24	$ 86,401.72	2014, 2016
2011-12 "True-up" Amount	06/17/13	$ (4,594.62)	4.25%	3.7	4.2	$ (1,614.16)	$ (43,701.70)	2016
2013-14 "True-up" Amount	06/30/15	$ 373,138.00	4.25%	1.7	2.2	$ 437,375.70	$ 437,375.70	2016
2015 operating exp & PCFA ESTIMATE	04/01/16	$ 434,813.89	4.25%	1.0	1.7	$ 434,813.89	$ 434,813.89	2016
2015 capital exp (2016-2017) ESTIMAT	04/01/16	$ 147,311.11	4.25%	1.0	1.7	$ 147,311.11	$ 147,311.11	2016
2016 operating exp & PCFA ESTIMATE	04/01/17	$ 298,701.89	4.25%	1.0	1.7	$ 298,701.89	$ 298,701.89	2016
2016 capital exp (2016-2017) ESTIMAT	04/01/17	$ 147,311.11	4.25%	1.0	1.7	$ 147,311.11	$ 147,311.11	2016
2017 operating exp & PCFA ESTIMATE	04/01/18	$ 289,875.93	4.25%	1.0	1.7	$ 289,875.93	$ 289,875.93	2016
2017 capital exp (2016-2017) ESTIMAT	04/01/18	$ 98,207.41	4.25%	1.0	1.7	$ 98,207.41	$ 98,207.41	2016
2014-2015 Landfill Tax Changes	06/15/15	$ (3,851.85)	4.25%	1.0	1.7	$ (4,124.69)	$ (4,124.69)	2016
Total Expenses:		**$ 2,294,920.84**				**$ 2,460,052.60**	**$ 1,999,892.55**	

Capital Amortization:

Year	**2006 Costs**	**2007 Costs**	**2008 Costs**	**2009 Costs**	**2010 Costs**	**2011 Costs**	**2012 Costs**
Prior Amort	$ -	$ -	$ -	$ -	$ -	$ -	$ -
2008	$ 39,118	$ -	$ -	$ -	$ -	$ -	$ -
2010	$ 31,228	$ 9,795	$ 1,115	$ -	$ -	$ -	$ -
2012	$ 27,721	$ 8,093	$ 978	$ 11,494	$ 36,809	$ -	$ -
2014	$ 24,214	$ 7,526	$ 910	$ 10,168	$ 32,562	$ 61,271	$ 115,071
2016	$ 20,708	$ 6,958	$ 841	$ 7,902	$ 25,305	$ 46,006	$ 86,402
Totals:	**$ 142,989**	**$ 32,372**	**$ 3,844**	**$ 29,564**	**$ 94,676**	**$ 107,277**	**$ 201,472**

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TONNAGE SUMMARY

Period	Front Loader	Roll Off	Multi-Unit	Single Unit	Total	Roll Off Yards	FEL Yards			
Jan-14	1,525	959	636	1,437	4,556	4,261	21,377			
Feb-14	1,272	938	530	1,250	3,989	4,167	17,831			
Mar-14	1,381	969	576	1,312	4,239	4,309	19,367			
Apr-14	1,479	1,056	617	1,563	4,715	4,694	20,741			
May-14	1,490	1,095	621	1,511	4,717	4,866	20,888			
Jun-14	1,493	989	623	1,511	4,616	4,396	20,934			
Jul-14	1,529	951	638	1,487	4,604	4,224	21,439			
Aug-14	1,520	1,032	634	1,370	4,557	4,588	21,317			
Sep-14	1,556	970	649	1,431	4,607	4,312	21,819			
Oct-14	1,566	1,051	653	1,401	4,671	4,672	21,957			
Nov-14	1,430	996	596	1,258	4,280	4,427	20,042			
Dec-14	1,747	1,103	728	1,447	5,024	4,902	24,488	54,576	2014 Tons	
Jan-15	1,511	902	630	1,469	4,512	4,010	21,180			
Feb-15	1,353	890	564	1,390	4,196	3,954	18,965			
Mar-15	1,556	1,060	649	1,451	4,716	4,711	21,821			
Apr-15	1,545	1,027	644	1,499	4,715	4,564	21,658			
May-15	1,490	1,095	621	1,511	4,717	4,866	20,888			
Jun-15	1,493	989	623	1,511	4,616	4,396	20,934			
Jul-15	1,529	951	638	1,487	4,604	4,224	21,439			
Aug-15	1,520	1,032	634	1,370	4,557	4,588	21,317			
Sep-15	1,556	970	649	1,431	4,607	4,312	21,819			
Oct-15	1,566	1,051	653	1,401	4,671	4,672	21,957			
Nov-15	1,430	996	596	1,258	4,280	4,427	20,042			
Dec-15	1,747	1,103	728	1,447	5,024	4,902	24,488	55,216	Est 2015 Tons	
TOTAL	**36,284**	**24,175**	**15,132**	**34,202**	**109,792**	**107,444**	**508,712**			
% by category	33.1%	22.0%	13.8%	31.2%	100%					
2014 Totals	17,988	12,109	7,502	16,978	54,576	53,817	252,202			
2015 Totals	18,296	12,066	7,630	17,224	55,216	53,627	256,510			
YOY %	**1.7%**	**-0.4%**	**1.7%**	**1.5%**	**1.2%**	**-0.4%**	**1.7%**			

Notes:

1) Tonnage based upon reports filed with the City of Milpitas.
2) Single Unit tonnage includes household dump day.
3) Commercial Roll Off includes Temporary Debris Box.

City of Milpitas

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SINGLE UNIT SERVICE LEVEL

Extraordinary Cost Component - Single Unit Service

Recovery of Jan '06 - Aug '17 Regulatory Costs & Landfill Taxes	$622,967
Total units as of June 2015	14,455
Monthly cost per unit (20 months)	$2.15

Calculation of Extraordinary Adjustment - Single Unit Service

Summary of 2016 biennial adjustments:		
Subsidize Senior and Mobile home stabilization ($12,001/year)	$0.00	divided by total units instead of total units less senior units
Subsidize multi family bin rental, hhd, and carts ($35,000 annually)	$0.00	Moved back down to Multi-Family Extraordinary Adjustment
Landfill taxes go forward	$0.15	New, no backout revised landfill taxes
Increased Mini-Grant and Performance Bond ($17,496 annually @ 31.2%)	$0.03	Increased for CPI
City Administrative Fee (Moved below no franchise/billing fee gross up)	$0.00	New, no backout
Subtitle D (Jan '14 - Dec '15) Shortfall recovery	$0.00	
Subtitle D (Jan '06 - Aug '17) recovery	$2.15	
Total extraordinary adjustment	**$2.33**	Per unit

Proposed Rate of Single Unit Dwellings (per month charge)

	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
AWI rate	$14.58	$1.11	$15.69	$15.16	$2.33	$17.49	11.47%
franchise (12%) and billing fees (4%)	$2.78	$0.22	$3.00	$2.89	$0.44	$3.33	11.00%
base rate (subtotal)	$17.36	$1.33	$18.69	$18.05	$2.77	$20.82	11.40%
recycling program (AWI)	$4.48	$0.00	$4.48	$4.66	$0.00	$4.66	4.02%
yard trimmings (AWI)	$6.51	$0.00	$6.51	$6.77	$0.00	$6.77	3.99%
City Admin Fee($285K @ 21.9%)	$0.44	$0.00	$0.44	$0.44	$0.00	$0.44	0.00%
Street Sweeping (City)	$0.39	$0.00	$0.39	$0.41	$0.00	$0.41	5.13%
community relations (City)	$0.40	$0.00	$0.40	$0.40	$0.00	$0.40	0.00%
Stablization Fee (City)	$0.26	$0.00	$0.26	$0.26	$0.00	$0.26	0.00%
telecommunication (City)	$0.04	$0.00	$0.04	$0.04	$0.00	$0.04	0.00%
household hazardous waste (City)	$0.09	$0.00	$0.09	$0.09	$0.00	$0.09	0.00%
billing rate - total	$29.97	$1.33	$31.30	$31.12	$2.77	$33.89	8.27%
cart rental	$3.06	$0.00	$3.06	$3.18	$0.00	$3.18	3.92%

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Proposed Rate for Senior Citizens - Single Unit Service (per month charge)

Item	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
AWI rate	$6.31	$1.11	$7.42	$6.01	$2.33	$8.34	12.43%
franchise (12%) and billing fees (0%)	$0.86	$0.15	$1.01	$0.82	$0.32	$1.14	12.87%
base rate (subtotal)	$7.17	$1.26	$8.43	$6.83	$2.65	$9.48	12.49%
recycling program (AWI)	$3.04	$0.00	$3.04	$3.16	$0.00	$3.16	3.95%
yard trimmings (AWI)	$3.27	$0.00	$3.27	$3.40	$0.00	$3.40	3.98%
City Admin Fee($285K @ 21.9%)	$0.22	$0.00	$0.22	$0.22	$0.00	$0.22	0.00%
Street Sweeping (City)	$0.20	$0.00	$0.20	$0.21	$0.00	$0.21	5.00%
community relations (City)	$0.40	$0.00	$0.40	$0.40	$0.00	$0.40	0.00%
household hazardous waste (City)	$0.09	$0.00	$0.09	$0.09	$0.00	$0.09	0.00%
billing rate - total	$14.39	$1.26	$15.65	$14.31	$2.65	$16.96	8.39%
			50.0%			50.0%	
cart rental	$3.06	$0.00	$3.06	$3.18	$0.00	$3.18	3.92%

Proposed Rate for Mobile Home Parks - Single Unit Service (per month charge)

Item	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
AWI rate	$6.16	$1.11	$7.27	$6.41	$2.33	$8.74	20.18%
franchise (12%) and billing fees (0%)	$0.84	$0.15	$0.99	$0.87	$0.32	$1.19	20.20%
base rate (subtotal)	$7.00	$1.26	$8.26	$7.28	$2.65	$9.93	20.18%
recycling program	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
yard trimmings	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
Street Sweeping (City)	$0.39	$0.00	$0.39	$0.41	$0.00	$0.41	$0.00
community relations	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
household hazardous waste	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
billing rate - total	$7.39	$1.26	$8.65	$7.69	$2.65	$10.34	19.50%
			27.6%			30.5%	

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Proposed Rate for Two Can Service - Mobile Parks - Single Unit Service (per month charge)

Item	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
AWI rate	$10.39	$1.11	$11.50	$10.81	$2.33	$13.14	14.23%
franchise (12%) and billing fees (0%)	$1.42	$0.15	$1.57	$1.47	$0.32	$1.79	14.01%
base rate (subtotal)	$11.81	$1.26	$13.07	$12.28	$2.65	$14.93	14.21%
recycling program	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
yard trimmings	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
Street Sweeping (City)	$0.39	$0.00	$0.39	$0.41	$0.00	$0.41	$0.00
community relations	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
household hazardous waste	$0.00	$0.00	no charge	$0.00	$0.00	no charge	
billing rate - total	$12.20	$1.26	$13.46	$12.69	$2.65	$15.34	14.21%
			43.0%			45.3%	

Bulky Item Pick-up - Single Unit Service (per service charge)

Item	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
pick-up fee for 2 items	$52.33	$0.00	$52.33	$54.41	$0.00	$54.41	3.97%
pick-up fee for each additional item	$19.72	$0.00	$19.72	$20.51	$0.00	$20.51	4.01%
additional fee to pick-up appliances w/refrigerant	$38.92	$0.00	$38.92	$40.47	$0.00	$40.47	3.98%

COMMERCIAL FRONT END LOADER SERVICE LEVEL

Extraordinary Cost Component - Commercial Front End Loader Service

Recovery of Jan '06 - Aug '17 Regulatory Costs & Landfill Taxes	$660,964	
Commercial front end loader tons (Jan '14 - Dec '15)	36,284	
Density (pounds/cubic yards)	142.65	
Front end loader container yards (Jan '14 - Dec '15)	508,712	
Projected container yards (Jan '16 - Aug '17)	423,926	
Total extraordinary cost per commercial container yard	$1.56	/ container yard

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Calculation of Extraordinary Adjustment - Commercial Front End Loader Service

Summary of 2016 biennial adjustments:		
Landfill taxes go forward	$0.13	New, no backout
Increased Mini-Grant and Performance Bond ($17,496 annually @ 33.1%)	$0.03	Increased for CPI
City Administrative Fee $98,040	$0.46	No Changes
Street Sweeping (City)	$0.23	
Subtitle D (Jan '14 - Dec '15) Shortfall recovery	($0.05)	
Subtitle D (Jan '06 - Aug '17) recovery	$1.56	
Total extraordinary adjustment	**$2.36**	**/ container yard**

Front End Loader Service Rates - Commercial Front End Loader Service (per month charge)

	2014-15 Old	2014-15 Old	2014-15 Old			2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1 cy 1 x week	$80.06	$7.68	$87.74			$83.25	$11.63	$94.88	8.14%
1 cy 2 x week	$141.00	$15.36	$156.36			$146.62	$23.26	$169.88	8.65%
1 cy 3 x week	$191.15	$23.04	$214.19			$198.76	$34.89	$233.65	9.09%
1 cy 4 x week	$233.61	$30.72	$264.33			$242.91	$46.52	$289.43	9.50%
1 cy 5 x week	$282.22	$38.41	$320.63			$293.46	$58.15	$351.61	9.66%
1 cy 6 x week	$330.86	$46.09	$376.95			$344.04	$69.78	$413.82	9.78%

Front End Loader Service Rates - Commercial Front End Loader Service (per month charge)

	2014-15 Old	2014-15 Old	2014-15 Old			2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1.5 cy 1 x week	$100.83	$11.52	$112.35			$104.85	$17.45	$122.30	8.86%
1.5 cy 2 x week	$191.00	$23.04	$214.04			$198.61	$34.89	$233.50	9.09%
1.5 cy 3 x week	$249.52	$34.57	$284.09			$259.46	$52.34	$311.80	9.75%
1.5 cy 4 x week	$319.66	$46.09	$365.75			$332.39	$69.78	$402.17	9.96%
1.5 cy 5 x week	$389.75	$57.61	$447.36			$405.27	$87.23	$492.50	10.09%
1.5 cy 6 x week	$459.84	$69.13	$528.97			$478.15	$104.67	$582.82	10.18%
2 cy 1 x week	$121.61	$15.36	$136.97			$126.45	$23.26	$149.71	9.30%
2 cy 2 x week	$233.61	$30.72	$264.33			$242.91	$46.52	$289.43	9.50%
2 cy 3 x week	$330.86	$46.09	$376.95			$344.04	$69.78	$413.82	9.78%
2 cy 4 x week	$428.00	$61.45	$489.45			$445.05	$93.04	$538.09	9.94%
2 cy 5 x week	$525.20	$76.81	$602.01			$546.12	$116.30	$662.42	10.03%
2 cy 6 x week	$622.46	$92.17	$714.63			$647.25	$139.56	$786.81	10.10%

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3 cy 1 x week		$173.67	$23.04	$196.71			$180.59	$34.89	$215.48	9.54%
3 cy 2 x week		$340.15	$46.09	$386.24			$353.70	$69.78	$423.48	9.64%
3 cy 3 x week		$485.97	$69.13	$555.10			$505.32	$104.67	$609.99	9.89%
3 cy 4 x week		$631.79	$92.17	$723.96			$656.95	$139.56	$796.51	10.02%
3 cy 5 x week		$777.59	$115.22	$892.81			$808.56	$174.45	$983.01	10.10%
3 cy 6 x week		$923.39	$138.26	$1,061.65			$960.16	$209.35	$1,169.51	10.16%
4 cy 1 x week		$198.46	$30.72	$229.18			$206.36	$46.52	$252.88	10.34%
4 cy 2 x week		$386.99	$61.45	$448.44			$402.40	$93.04	$495.44	10.48%
4 cy 3 x week		$542.17	$92.17	$634.34			$563.76	$139.56	$703.32	10.87%
4 cy 4 x week		$697.40	$122.90	$820.30			$725.17	$186.08	$911.25	11.09%
4 cy 5 x week		$852.55	$153.62	$1,006.17			$886.50	$232.61	$1,119.11	11.22%
4 cy 6 x week		$1,007.75	$184.35	$1,192.10			$1,047.88	$279.13	$1,327.01	11.32%
6 cy 1 x week		$269.37	$46.09	$315.46			$280.10	$69.78	$349.88	10.91%
6 cy 2 x week		$532.80	$92.17	$624.97			$554.02	$139.56	$693.58	10.98%
6 cy 3 x week		$775.85	$138.26	$914.11			$806.75	$209.35	$1,016.10	11.16%
6 cy 4 x week		$995.63	$184.35	$1,179.98			$1,035.28	$279.13	$1,314.41	11.39%
6 cy 5 x week		$1,238.66	$230.44	$1,469.10			$1,287.99	$348.91	$1,636.90	11.42%
6 cy 6 x week		$1,481.69	$276.52	$1,758.21			$1,540.70	$418.69	$1,959.39	11.44%
8 cy 1 x week		$348.80	$61.45	$410.25			$362.69	$93.04	$455.73	11.09%
8 cy 2 x week		$688.02	$122.90	$810.92			$715.42	$186.08	$901.50	11.17%
8 cy 3 x week		$986.19	$184.35	$1,170.54			$1,025.47	$279.13	$1,304.60	11.45%
8 cy 4 x week		$1,284.52	$245.80	$1,530.32			$1,335.68	$372.17	$1,707.85	11.60%
8 cy 5 x week		$1,582.76	$307.25	$1,890.01			$1,645.79	$465.21	$2,111.00	11.69%
8 cy 6 x week		$1,881.04	$368.70	$2,249.74			$1,955.95	$558.25	$2,514.20	11.76%

Front End Loader Bin Rental Rates - Commercial Front End Loader Service (per mo charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Service Level		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1 cy		$15.85	$0.00	$15.85			$16.48	$0.00	$16.48	3.97%
1.5 cy		$15.85	$0.00	$15.85			$16.48	$0.00	$16.48	3.97%
2 cy		$15.85	$0.00	$15.85			$16.48	$0.00	$16.48	3.97%
3 cy		$21.09	$0.00	$21.09			$21.93	$0.00	$21.93	3.98%
4 cy		$23.84	$0.00	$23.84			$24.79	$0.00	$24.79	3.98%
6 cy		$26.40	$0.00	$26.40			$27.45	$0.00	$27.45	3.98%
8 cy		$29.10	$0.00	$29.10			$30.26	$0.00	$30.26	3.99%
Included in service rates, deducted if customer owns bin.										

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Front End Loader Push and Return Rates-Commercial Front End Loader Service (per mo charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Dismount to	Frequency	Base	Extraordinary	Total Rate			Base	Extraordinary	New Rate	% Change
up to 25'	1 x week	$8.65	$0.00	$8.65			$8.99	$0.00	$8.99	3.93%
26' to 50'	1 x week	$17.28	$0.00	$17.28			$17.97	$0.00	$17.97	3.99%
51' to 75'	1 x week	$25.86	$0.00	$25.86			$26.89	$0.00	$26.89	3.98%
76' to 100'	1 x week	$34.50	$0.00	$34.50			$35.87	$0.00	$35.87	3.97%
101' to 125'	1 x week	$43.12	$0.00	$43.12			$44.84	$0.00	$44.84	3.99%
126' to 150'	1 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
151' to 175	1 x week	$60.38	$0.00	$60.38			$62.78	$0.00	$62.78	3.97%
175' to 200'	1 x week	$68.96	$0.00	$68.96			$71.71	$0.00	$71.71	3.99%
up to 25'	2 x week	$17.28	$0.00	$17.28			$17.97	$0.00	$17.97	3.99%
26' to 50'	2 x week	$34.50	$0.00	$34.50			$35.87	$0.00	$35.87	3.97%
51' to 75'	2 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
76' to 100'	2 x week	$68.96	$0.00	$68.96			$71.71	$0.00	$71.71	3.99%
101' to 125'	2 x week	$86.23	$0.00	$86.23			$89.66	$0.00	$89.66	3.98%
126' to 150'	2 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
151' to 175	2 x week	$120.70	$0.00	$120.70			$125.51	$0.00	$125.51	3.99%
175' to 200'	2 x week	$137.93	$0.00	$137.93			$143.42	$0.00	$143.42	3.98%

Front End Loader Push and Return Rates-Commercial Front End Loader Service (per mo charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Dismount to	Frequency	Base	Extraordinary	Total Rate			Base	Extraordinary	New Rate	% Change
up to 25'	3 x week	$25.86	$0.00	$25.86			$26.89	$0.00	$26.89	3.98%
26' to 50'	3 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
51' to 75'	3 x week	$77.58	$0.00	$77.58			$80.67	$0.00	$80.67	3.98%
76' to 100'	3 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
101' to 125'	3 x week	$129.32	$0.00	$129.32			$134.47	$0.00	$134.47	3.98%
126' to 150'	3 x week	$137.93	$0.00	$137.93			$143.42	$0.00	$143.42	3.98%
151' to 175	3 x week	$181.05	$0.00	$181.05			$188.26	$0.00	$188.26	3.98%
175' to 200'	3 x week	$206.92	$0.00	$206.92			$215.16	$0.00	$215.16	3.98%
up to 25'	4 x week	$34.50	$0.00	$34.50			$35.87	$0.00	$35.87	3.97%
26' to 50'	4 x week	$68.96	$0.00	$68.96			$71.71	$0.00	$71.71	3.99%
51' to 75'	4 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
76' to 100'	4 x week	$137.93	$0.00	$137.93			$143.42	$0.00	$143.42	3.98%
101' to 125'	4 x week	$172.45	$0.00	$172.45			$179.32	$0.00	$179.32	3.98%
126' to 150'	4 x week	$215.52	$0.00	$215.52			$224.10	$0.00	$224.10	3.98%
151' to 175	4 x week	$241.40	$0.00	$241.40			$251.01	$0.00	$251.01	3.98%
175' to 200'	4 x week	$275.87	$0.00	$275.87			$286.86	$0.00	$286.86	3.98%

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up to 25'	5 x week	$43.12	$0.00	$43.12			$44.84	$0.00	$44.84	3.99%
26' to 50'	5 x week	$86.23	$0.00	$86.23			$89.66	$0.00	$89.66	3.98%
51' to 75'	5 x week	$129.32	$0.00	$129.32			$134.47	$0.00	$134.47	3.98%
76' to 100'	5 x week	$172.45	$0.00	$172.45			$179.32	$0.00	$179.32	3.98%
101' to 125'	5 x week	$215.52	$0.00	$215.52			$224.10	$0.00	$224.10	3.98%
126' to 150'	5 x week	$258.62	$0.00	$258.62			$268.92	$0.00	$268.92	3.98%
151' to 175	5 x week	$301.71	$0.00	$301.71			$313.73	$0.00	$313.73	3.98%
175' to 200'	5 x week	$344.86	$0.00	$344.86			$358.59	$0.00	$358.59	3.98%
up to 25'	6 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
26' to 50'	6 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
51' to 75'	6 x week	$155.17	$0.00	$155.17			$161.35	$0.00	$161.35	3.98%
76' to 100'	6 x week	$206.92	$0.00	$206.92			$215.16	$0.00	$215.16	3.98%
101' to 125'	6 x week	$258.62	$0.00	$258.62			$268.92	$0.00	$268.92	3.98%
126' to 150'	6 x week	$310.34	$0.00	$310.34			$322.70	$0.00	$322.70	3.98%
151' to 175	6 x week	$362.10	$0.00	$362.10			$376.52	$0.00	$376.52	3.98%
175' to 200'	6 x week	$413.81	$0.00	$413.81			$430.29	$0.00	$430.29	3.98%

Monthly Cart Rate for Weekly Service - Commercial Front End Loader Service (per month charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
# of 32 gallon cans		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1-3		$36.78	$1.23	$38.01			$38.24	$1.86	$40.10	5.50%
4-6		$76.42	$3.07	$79.49			$79.46	$4.65	$84.11	5.81%
7-9		$103.32	$4.92	$108.24			$107.43	$7.44	$114.87	6.13%
10-12		$134.45	$6.76	$141.21			$139.80	$10.23	$150.03	6.25%
# of 96 gallons carts										
1		$29.71	$1.81	$31.52			$30.89	$2.73	$33.62	6.66%
2		$58.03	$3.61	$61.64			$60.34	$5.47	$65.81	6.77%
3		$83.50	$5.42	$88.92			$86.83	$8.20	$95.03	6.87%
4		$110.39	$7.22	$117.61			$114.79	$10.93	$125.72	6.90%

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Extra Pick-up Rates - Commercial Front End Loader Service (per service charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Size	**Available Days**	**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1-can	Mon - Fri	$8.50	$0.00	$8.50			$8.84	$0.00	$8.84	4.00%
1-cart	Mon - Fri	$26.89	$0.00	$26.89			$27.96	$0.00	$27.96	3.98%
1 cy bin	Mon - Fri	$56.61	$0.00	$56.61			$58.86	$0.00	$58.86	3.97%
1.5 cy bin	Mon - Fri	$60.85	$0.00	$60.85			$63.27	$0.00	$63.27	3.98%
2 cy bin	Mon - Fri	$67.93	$0.00	$67.93			$70.64	$0.00	$70.64	3.99%
3 cy bin	Mon - Fri	$79.26	$0.00	$79.26			$82.42	$0.00	$82.42	3.99%
4 cy bin	Mon - Fri	$93.42	$0.00	$93.42			$97.14	$0.00	$97.14	3.98%
6 cy bin	Mon - Fri	$127.38	$0.00	$127.38			$132.45	$0.00	$132.45	3.98%
8 cy bin	Mon - Fri	$137.27	$0.00	$137.27			$142.74	$0.00	$142.74	3.98%
compactor(Per CY)	Mon - Fri	$41.05	$0.00	$41.05			$42.68	$0.00	$42.68	3.97%
1-can	Saturday	$12.75	$0.00	$12.75			$13.26	$0.00	$13.26	4.00%
1-cart	Saturday	$29.71	$0.00	$29.71			$30.89	$0.00	$30.89	3.97%
1 cy bin	Saturday	$80.67	$0.00	$80.67			$83.88	$0.00	$83.88	3.98%
1.5 cy bin	Saturday	$89.18	$0.00	$89.18			$92.73	$0.00	$92.73	3.98%
2 cy bin	Saturday	$96.25	$0.00	$96.25			$100.08	$0.00	$100.08	3.98%
3 cy bin	Saturday	$104.75	$0.00	$104.75			$108.92	$0.00	$108.92	3.98%
4 cy bin	Saturday	$113.24	$0.00	$113.24			$117.75	$0.00	$117.75	3.98%
6 cy bin	Saturday	$137.27	$0.00	$137.27			$142.74	$0.00	$142.74	3.98%
8 cy bin	Saturday	$154.26	$0.00	$154.26			$160.40	$0.00	$160.40	3.98%
compactor(Per CY)	Saturday	$48.13	$0.00	$48.13			$50.05	$0.00	$50.05	3.99%

MULTI UNIT FRONT END LOADER SERVICE LEVEL

Extraordinary Cost Component - Multi Unit Front End Loader Refuse Service

Recovery of Jan '06 - Aug '17 Regulatory Costs & Landfill Taxes	$275,585	
Multi Unit tons (Jan '14 - Dec '15)	15,132	
Density (pounds/cubic yards)	142.65	
Front Multi Unit container yards (Jan '14 - Dec '15)	212,149	
Projected container yards (Jan '16 - Aug '17)	176,791	
Total extraordinary cost per commercial container yard	$1.56	/ container yard

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Calculation of Extraordinary Adjustment - Multi Unit Front End Loader Refuse Service

Summary of 2016 biennial adjustments:		
Landfill taxes go forward	$0.13	New, no backout
Increased Mini-Grant and Performance Bond ($17,496 annually @ 13.8%)	$0.03	Increased for CPI
City Administrative Fee (Moved below no franchise fee gross up)	$0.00	No Changes
Multi family bin rental, hhd, and carts ($35,000 annually)	$0.17	Moved back down from single-family
Subtitle D (Jan '14 - Dec '15) Shortfall recovery	($0.05)	
Subtitle D (Jan '06 - Aug '17) recovery	$1.56	
Total extraordinary adjustment	**$1.84**	**/ container yard**

Front End Loader Service Rates - Multi Unit Front End Loader Refuse Service (per month charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
1 cy 1 x week	$69.74	$4.87	$74.61	$72.52	$9.06	$81.58	9.34%
1 cy 2 x week	$113.36	$9.75	$123.11	$117.87	$18.12	$135.99	10.46%
1 cy 3 x week	$153.51	$14.62	$168.13	$159.62	$27.18	$186.80	11.10%
1 cy 4 x week	$187.15	$19.50	$206.65	$194.60	$36.24	$230.84	11.71%
1 cy 5 x week	$226.03	$24.37	$250.40	$235.03	$45.30	$280.33	11.95%
1 cy 6 x week	$264.88	$29.25	$294.13	$275.43	$54.36	$329.79	12.12%

Front End Loader Service Rates - Multi Unit Front End Loader Refuse Service (per month charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
1.5 cy 1 x week	$87.63	$7.31	$94.94	$91.12	$13.59	$104.71	10.29%
1.5 cy 2 x week	$153.47	$14.62	$168.09	$159.58	$27.18	$186.76	11.11%
1.5 cy 3 x week	$199.40	$21.94	$221.34	$207.34	$40.77	$248.11	12.09%
1.5 cy 4 x week	$255.32	$29.25	$284.57	$265.49	$54.36	$319.85	12.40%
1.5 cy 5 x week	$311.19	$36.56	$347.75	$323.58	$67.95	$391.53	12.59%
1.5 cy 6 x week	$367.08	$43.87	$410.95	$381.70	$81.54	$463.24	12.72%
2 cy 1 x week	$105.49	$9.75	$115.24	$109.69	$18.12	$127.81	10.91%
2 cy 2 x week	$187.15	$19.50	$206.65	$194.60	$36.24	$230.84	11.71%
2 cy 3 x week	$264.88	$29.25	$294.13	$275.43	$54.36	$329.79	12.12%
2 cy 4 x week	$342.60	$39.00	$381.60	$356.24	$72.48	$428.72	12.35%
2 cy 5 x week	$420.28	$48.75	$469.03	$437.02	$90.60	$527.62	12.49%
2 cy 6 x week	$498.07	$58.50	$556.57	$517.91	$108.72	$626.63	12.59%

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3 cy 1 x week		$150.43	$14.62	$165.05			$156.42	$27.18	$183.60	11.24%
3 cy 2 x week		$272.28	$29.25	$301.53			$283.12	$54.36	$337.48	11.92%
3 cy 3 x week		$388.81	$43.87	$432.68			$404.29	$81.54	$485.83	12.28%
3 cy 4 x week		$505.39	$58.50	$563.89			$525.52	$108.72	$634.24	12.48%
3 cy 5 x week		$622.01	$73.12	$695.13			$646.78	$135.90	$782.68	12.59%
3 cy 6 x week		$738.56	$87.74	$826.30			$767.97	$163.08	$931.05	12.68%
4 cy 1 x week		$170.29	$19.50	$189.79			$177.07	$36.24	$213.31	12.39%
4 cy 2 x week		$306.60	$39.00	$345.60			$318.81	$72.48	$391.29	13.22%
4 cy 3 x week		$428.45	$58.50	$486.95			$445.51	$108.72	$554.23	13.82%
4 cy 4 x week		$550.37	$77.99	$628.36			$572.29	$144.96	$717.25	14.15%
4 cy 5 x week		$672.25	$97.49	$769.74			$699.02	$181.20	$880.22	14.35%
4 cy 6 x week		$794.15	$116.99	$911.14			$825.78	$217.44	$1,043.22	14.50%
6 cy 1 x week		$230.15	$29.25	$259.40			$239.32	$54.36	$293.68	13.22%
6 cy 2 x week		$420.19	$58.50	$478.69			$436.92	$108.72	$545.64	13.99%
6 cy 3 x week		$611.78	$87.74	$699.52			$636.14	$163.08	$799.22	14.25%
6 cy 4 x week		$783.46	$116.99	$900.45			$814.66	$217.44	$1,032.10	14.62%
6 cy 5 x week		$975.06	$146.24	$1,121.30			$1,013.89	$271.80	$1,285.69	14.66%
6 cy 6 x week		$1,166.65	$175.49	$1,342.14			$1,213.11	$326.16	$1,539.27	14.69%
8 cy 1 x week		$297.93	$39.00	$336.93			$309.80	$72.48	$382.28	13.46%
8 cy 2 x week		$541.75	$77.99	$619.74			$563.33	$144.96	$708.29	14.29%
8 cy 3 x week		$775.11	$116.99	$892.10			$805.98	$217.44	$1,023.42	14.72%
8 cy 4 x week		$1,008.57	$155.99	$1,164.56			$1,048.74	$289.92	$1,338.66	14.95%
8 cy 5 x week		$1,241.96	$194.99	$1,436.95			$1,291.42	$362.40	$1,653.82	15.09%
8 cy 6 x week		$1,475.41	$233.98	$1,709.39			$1,534.17	$434.88	$1,969.05	15.19%

Front End Loader Bin Rental Rates - Multi Unit Front End Loader Refuse Service (per month charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Service Level		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1 cy		$15.85	$0.00	$15.85			$16.48	$0.00	$16.48	3.97%
1.5 cy		$15.85	$0.00	$15.85			$16.48	$0.00	$16.48	3.97%
2 cy		$15.85	$0.00	$15.85			$16.48	$0.00	$16.48	3.97%
3 cy		$21.09	$0.00	$21.09			$21.93	$0.00	$21.93	3.98%
4 cy		$23.84	$0.00	$23.84			$24.79	$0.00	$24.79	3.98%
6 cy		$26.40	$0.00	$26.40			$27.45	$0.00	$27.45	3.98%
8 cy		$29.10	$0.00	$29.10			$30.26	$0.00	$30.26	3.99%
Included in service rates, deducted if customer owns bin.										

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Front End Loader Push and Return Rates - Multi Unit Front End Loader Refuse Service (per month charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Dismount to	Frequency	Base	Extraordinary	Total Rate			Base	Extraordinary	New Rate	% Change
up to 25'	1 x week	$8.65	$0.00	$8.65			$8.99	$0.00	$8.99	3.93%
26' to 50'	1 x week	$17.28	$0.00	$17.28			$17.97	$0.00	$17.97	3.99%
51' to 75'	1 x week	$25.86	$0.00	$25.86			$26.89	$0.00	$26.89	3.98%
76' to 100'	1 x week	$34.50	$0.00	$34.50			$35.87	$0.00	$35.87	3.97%
101' to 125'	1 x week	$43.12	$0.00	$43.12			$44.84	$0.00	$44.84	3.99%
126' to 150'	1 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
151' to 175	1 x week	$60.38	$0.00	$60.38			$62.78	$0.00	$62.78	3.97%
175' to 200'	1 x week	$68.96	$0.00	$68.96			$71.71	$0.00	$71.71	3.99%
up to 25'	2 x week	$17.28	$0.00	$17.28			$17.97	$0.00	$17.97	3.99%
26' to 50'	2 x week	$34.50	$0.00	$34.50			$35.87	$0.00	$35.87	3.97%
51' to 75'	2 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
76' to 100'	2 x week	$68.96	$0.00	$68.96			$71.71	$0.00	$71.71	3.99%
101' to 125'	2 x week	$86.23	$0.00	$86.23			$89.66	$0.00	$89.66	3.98%
126' to 150'	2 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
151' to 175	2 x week	$120.70	$0.00	$120.70			$125.51	$0.00	$125.51	3.99%
175' to 200'	2 x week	$137.93	$0.00	$137.93			$143.42	$0.00	$143.42	3.98%
up to 25'	3 x week	$25.86	$0.00	$25.86			$26.89	$0.00	$26.89	3.98%
26' to 50'	3 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
51' to 75'	3 x week	$77.58	$0.00	$77.58			$80.67	$0.00	$80.67	3.98%
76' to 100'	3 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
101' to 125'	3 x week	$129.32	$0.00	$129.32			$134.47	$0.00	$134.47	3.98%
126' to 150'	3 x week	$137.93	$0.00	$137.93			$143.42	$0.00	$143.42	3.98%
151' to 175	3 x week	$181.05	$0.00	$181.05			$188.26	$0.00	$188.26	3.98%
175' to 200'	3 x week	$206.92	$0.00	$206.92			$215.16	$0.00	$215.16	3.98%
up to 25'	4 x week	$34.50	$0.00	$34.50			$35.87	$0.00	$35.87	3.97%
26' to 50'	4 x week	$68.96	$0.00	$68.96			$71.71	$0.00	$71.71	3.99%
51' to 75'	4 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
76' to 100'	4 x week	$137.93	$0.00	$137.93			$143.42	$0.00	$143.42	3.98%
101' to 125'	4 x week	$172.45	$0.00	$172.45			$179.32	$0.00	$179.32	3.98%
126' to 150'	4 x week	$215.52	$0.00	$215.52			$224.10	$0.00	$224.10	3.98%
151' to 175	4 x week	$241.40	$0.00	$241.40			$251.01	$0.00	$251.01	3.98%
175' to 200'	4 x week	$275.87	$0.00	$275.87			$286.86	$0.00	$286.86	3.98%

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up to 25'	5 x week	$43.12	$0.00	$43.12			$44.84	$0.00	$44.84	3.99%
26' to 50'	5 x week	$86.23	$0.00	$86.23			$89.66	$0.00	$89.66	3.98%
51' to 75'	5 x week	$129.32	$0.00	$129.32			$134.47	$0.00	$134.47	3.98%
76' to 100'	5 x week	$172.45	$0.00	$172.45			$179.32	$0.00	$179.32	3.98%
101' to 125'	5 x week	$215.52	$0.00	$215.52			$224.10	$0.00	$224.10	3.98%
126' to 150'	5 x week	$258.62	$0.00	$258.62			$268.92	$0.00	$268.92	3.98%
151' to 175	5 x week	$301.71	$0.00	$301.71			$313.73	$0.00	$313.73	3.98%
175' to 200'	5 x week	$344.86	$0.00	$344.86			$358.59	$0.00	$358.59	3.98%
		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Dismount to	**Frequency**	**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
up to 25'	6 x week	$51.72	$0.00	$51.72			$53.78	$0.00	$53.78	3.98%
26' to 50'	6 x week	$103.47	$0.00	$103.47			$107.59	$0.00	$107.59	3.98%
51' to 75'	6 x week	$155.17	$0.00	$155.17			$161.35	$0.00	$161.35	3.98%
76' to 100'	6 x week	$206.92	$0.00	$206.92			$215.16	$0.00	$215.16	3.98%
101' to 125'	6 x week	$258.62	$0.00	$258.62			$268.92	$0.00	$268.92	3.98%
126' to 150'	6 x week	$310.34	$0.00	$310.34			$322.70	$0.00	$322.70	3.98%
151' to 175	6 x week	$362.10	$0.00	$362.10			$376.52	$0.00	$376.52	3.98%
175' to 200'	6 x week	$413.81	$0.00	$413.81			$430.29	$0.00	$430.29	3.98%

Monthly Cart Rate for Weekly Service - Multi Unit Front End Loader Service (per month charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
# of 96 gallons carts		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1		$25.48	$1.15	$26.63			$26.49	$2.13	$28.62	7.47%
2		$48.13	$2.29	$50.42			$50.05	$4.26	$54.31	7.72%
3		$69.36	$3.44	$72.80			$72.12	$6.39	$78.51	7.84%
4		$92.00	$4.58	$96.58			$95.66	$8.52	$104.18	7.87%

Miscellaneous Charges - Commercial & Multi Unit Front End Loader Service (per service charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Item		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
lock installation (after delivery)		$103.32	$0.00	$103.32			$107.43	$0.00	$107.43	3.98%
bin repairs		$83.50	$0.00	$83.50			$86.83	$0.00	$86.83	3.99%
lock (padlock only)		$15.58	$0.00	$15.58			$16.20	$0.00	$16.20	3.98%
container delivery*		$55.19	$0.00	$55.19			$57.39	$0.00	$57.39	3.99%
grafitti bin exchange 2nd and subseque		$55.19	$0.00	$55.19			$57.39	$0.00	$57.39	3.99%
container exchange **		$103.32	$0.00	$103.32			$107.43	$0.00	$107.43	3.98%
Leak proof 3 yard front load container a		$26.23	$0.00	$26.23			$27.27	$0.00	$27.27	3.96%

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Recycling Service Rates - Multi Unit Front End Loader Service (per month charge)

Item	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
recycling program (AWI)	$2.97	$0.00	$2.97	$3.09	$0.00	$3.09	4.04%
public information (City)	$0.48	$0.00	$0.48	$0.48	$0.00	$0.48	0.00%
household haz. Waste (City)	$0.09	$0.00	$0.09	$0.09	$0.00	$0.09	0.00%
City Admin Fee ($16,815)	$0.42	$0.00	$0.42	$0.42	$0.00	$0.42	0.00%
Street Sweeping (City)	$0.49	$0.00	$0.49	$0.35	$0.00	$0.35	-28.13%
bus stop service (AWI)	$0.02	$0.00	$0.02	$0.02	$0.00	$0.02	0.00%
stabilization fee (City)	$0.08	$0.00	$0.08	$0.08	$0.00	$0.08	0.00%
total rate per unit	**$4.55**	**$0.00**	**$4.55**	**$4.53**	**($0.00)**	**$4.53**	**-0.39%**

Centralized Collection Multi-Family Roll-Off Refuse Service (per service charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
10 cy container	$381.27	$70.80	$452.07	$396.45	$94.23	$490.68	8.54%
20 cy container	$489.91	$141.59	$631.50	$509.42	$188.45	$697.87	10.51%
30 cy container	$583.77	$212.39	$796.16	$607.02	$282.68	$889.70	11.75%
40 cy container	$688.36	$283.18	$971.54	$715.77	$376.91	$1,092.68	12.47%
50 cy container	$798.32	$353.98	$1,152.30	$830.11	$471.13	$1,301.24	12.93%

Centralized Collection Multi-Family Roll-Off Service for Recycling (per month Rental)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
10 cy container	$108.98	$0.00	$108.98	$113.32	$0.00	$113.32	3.98%
20 cy container	$138.69	$0.00	$138.69	$144.21	$0.00	$144.21	3.98%
30 cy container	$179.73	$0.00	$179.73	$186.89	$0.00	$186.89	3.98%
40 cy container	$208.05	$0.00	$208.05	$216.34	$0.00	$216.34	3.98%
50 cy container	$239.19	$0.00	$239.19	$248.72	$0.00	$248.72	3.98%

Centralized Collection Multi-Family Roll-Off Compactor Service (per service charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
fee per service minute	$3.05	$0.00	$3.05	$3.17	$0.00	$3.17	3.93%
fee per cubic yard	$15.89	$7.08	$22.97	$16.52	$9.42	$25.94	12.93%
Also add 12% Franchise Fee (Multiply by 1.1364)							

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Centralized Collection Multi-Family Roll-Off Recycle Compactor Haul Rate (per service charge)

	2014-15 Old	2014-15 Old	2014-15 Old			2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
fee per service minute	$2.85	$0.00	$2.85			$2.96	$0.00	$2.96	3.86%
fee per cubic yard	$13.09	$0.00	$13.09			$13.61	$0.00	$13.61	3.97%
fee per cubic yard (note)	$9.31	$0.00	$9.31			$9.68	$0.00	$9.68	3.97%
note: when recyclable load exceeds 50% of any single commodity									
Also add 12% Franchise Fee (Multiply by 1.1364)									

Centralized Collection Service Rate - (per month charge per dwelling unit)

	2014-15 Old	2014-15 Old	2014-15 Old			2016-17	2016-17	2016-17	2016-17
Item	**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
public information (City)	$0.00	$0.00	$0.00			$0.00	$0.00	$0.00	0.00%
household haz. Waste (City)	$0.09	$0.00	$0.09			$0.09	$0.00	$0.09	0.00%
City Admin Fee ($285K @ 21.9%)	$0.44	$0.00	$0.44			$0.44	$0.00	$0.44	0.00%
bus stop service (AWI)	$0.02	$0.00	$0.02			$0.02	$0.00	$0.02	0.00%
stabilization fee (City)	$0.08	$0.00	$0.08			$0.08	$0.00	$0.08	0.00%
total rate per unit	**$0.63**	**$0.00**	**$0.63**			**$0.63**	**$0.00**	**$0.63**	**0.00%**

ROLL OFF SERVICE LEVEL

Extraordinary Cost Component - Roll Off Refuse Service

Recovery of Jan '06 - Aug '17 Regulatory Costs & Landfill Taxes	$440,376		
Roll Off tons (Jan '14 - Dec '15)	24,175		
Density (pounds/cubic yards)	450.00		
Roll Off container yards (Jan '14 - Dec '15)	107,444		
Projected container yards (Jan '16 - Aug '17)	89,537		
Total extraordinary cost per commercial container yard	$4.92	/ container yard	

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Calculation of Extraordinary Adjustment - Roll Off Refuse Service

Summary of 2016 biennial adjustments:		
Landfill taxes go forward	$0.41	New, no backout
Increased Mini-Grant and Performance Bond ($17,496 annually @ 22.0%)	$0.09	New, no backout
City Administrative Fee ($108,015)	$2.41	No Changes
Financial Assurance Fund	$0.00	
Street Sweeping (City)	$0.73	
Subtitle D (Jan '14 - Dec '15) Shortfall recovery	($0.27)	
Subtitle D (Jan '06 - Aug '17) recovery	$4.92	
Total extraordinary adjustment	**$8.29**	**/ container yard**

Roll Off Service Rates - Roll Off Refuse Service (per service charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
10 cy container	$401.86	$70.80	$472.66		$417.86	$94.23	$512.09	8.34%
20 cy container	$516.47	$141.59	$658.06		$537.04	$188.45	$725.49	10.25%
30 cy container	$615.50	$212.39	$827.89		$640.01	$282.68	$922.69	11.45%
40 cy container	$725.81	$283.18	$1,008.99		$754.72	$376.91	$1,131.63	12.15%
50 cy container	$841.80	$353.98	$1,195.78		$875.32	$471.13	$1,346.45	12.60%
Return Collection	$81.89	$0.00	$81.89		$85.15	$0.00	$85.15	3.98%

Roll Off Bin Rental Service Rates - Roll Off Refuse Service (per month charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
10 cy container	$111.78	$0.00	$111.78		$116.23	$0.00	$116.23	3.98%
20 cy container	$142.89	$0.00	$142.89		$148.58	$0.00	$148.58	3.98%
30 cy container	$185.32	$0.00	$185.32		$192.70	$0.00	$192.70	3.98%
40 cy container	$213.59	$0.00	$213.59		$222.10	$0.00	$222.10	3.98%
50 cy container	$246.13	$0.00	$246.13		$255.93	$0.00	$255.93	3.98%

Roll Off Compactor Service Rates - Roll Off Refuse Service (per service charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
fee per service minute	$3.19	$0.00	$3.19		$3.32	$0.00	$3.32	4.08%
fee per cubic yard	$16.77	$7.08	$23.85		$17.44	$9.42	$26.86	12.62%
Also add 12% Franchise Fee								

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Front End Loader Compactor Service Rates - Front End Loader Refuse Service (per service charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
fee per yard	$25.48	$1.56	$27.04		$26.49	$2.36	$28.85	6.69%
Also add 12% Franchise Fee (Multiply by 1.1364)								

Front End Loader Super Compactor Service Rates - FEL Refuse Service (per service charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
fee per yard	$23.87	$1.56	$25.43		$24.82	$2.36	$27.18	6.88%
fee per yard super compactor	$12.39	$1.56	$13.95		$12.88	$2.36	$15.24	9.25%
Also add 12% Franchise Fee (Multiply by 1.1364)								

Roll Off Recycling Service Rates - Roll Off Recycling Service (per service charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
10 cy container	$317.01	$0.00	$317.01		$329.63	$0.00	$329.63	3.98%
20 cy container	$375.03	$0.00	$375.03		$389.97	$0.00	$389.97	3.98%
30 cy container	$416.09	$0.00	$416.09		$432.66	$0.00	$432.66	3.98%
40 cy container	$468.46	$0.00	$468.46		$487.12	$0.00	$487.12	3.98%
50 cy container	$526.50	$0.00	$526.50		$547.47	$0.00	$547.47	3.98%
Rates reflect maximum charge allowed.								

Roll Off Bin Rental Service Rates - Roll Off Recycling Service (per month charge)

	2014-15 Old	2014-15 Old	2014-15 Old		2016-17	2016-17	2016-17	2016-17
Service Level	**Base**	**Extraordinary**	**Total Rate**		**Base**	**Extraordinary**	**New Rate**	**% Change**
10 cy container	$108.98	$0.00	$108.98		$113.32	$0.00	$113.32	3.98%
20 cy container	$138.69	$0.00	$138.69		$144.21	$0.00	$144.21	3.98%
30 cy container	$179.73	$0.00	$179.73		$186.89	$0.00	$186.89	3.98%
40 cy container	$208.05	$0.00	$208.05		$216.34	$0.00	$216.34	3.98%
50 cy container	$239.19	$0.00	$239.19		$248.72	$0.00	$248.72	3.98%

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Roll Off Compactor Service Rates - Roll Off Recycling Service (per service charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
fee per service minute	$2.99	$0.00	$2.99	$3.11	$0.00	$3.11	4.01%
fee per yard (lower)	$9.81	$0.00	$9.81	$10.20	$0.00	$10.20	3.98%
fee per yard (upper)	$13.79	$0.00	$13.79	$14.34	$0.00	$14.34	3.99%
Also add 12% Franchise Fee (Multiply by 1.1364)							

Front End Loader Compactor Service Rates - Front End Loader Recycling Service (per service charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
fee per yard (lower)	$9.81	$0.00	$9.81	$10.20	$0.00	$10.20	3.98%
fee per yard (upper)	$22.89	$0.00	$22.89	$23.80	$0.00	$23.80	3.98%
Also add 12% Franchise Fee (Multiply by 1.1364)							

Voluntary Food Waste Compost Pilot Program (per month charge)

Service Level	2014-15 Old Base	2014-15 Old Extraordinary	2014-15 Old Total Rate	2016-17 Base	2016-17 Extraordinary	2016-17 New Rate	2016-17 % Change
1 cy 1 x week	$115.76	$0.00	$115.76	$120.37	$0.00	$120.37	3.98%
1 cy 2 x week	$213.46	$0.00	$213.46	$221.96	$0.00	$221.96	3.98%
1 cy 3 x week	$300.94	$0.00	$300.94	$312.92	$0.00	$312.92	3.98%
1 cy 4 x week	$381.17	$0.00	$381.17	$396.35	$0.00	$396.35	3.98%
1 cy 5 x week	$467.22	$0.00	$467.22	$485.83	$0.00	$485.83	3.98%
1 cy 6 x week	$553.28	$0.00	$553.28	$575.31	$0.00	$575.31	3.98%
1.5 cy 1 x week	$155.45	$0.00	$155.45	$161.64	$0.00	$161.64	3.98%
1.5 cy 2 x week	$300.82	$0.00	$300.82	$312.80	$0.00	$312.80	3.98%
1.5 cy 3 x week	$416.25	$0.00	$416.25	$432.83	$0.00	$432.83	3.98%
1.5 cy 4 x week	$542.71	$0.00	$542.71	$564.32	$0.00	$564.32	3.98%
1.5 cy 5 x week	$669.10	$0.00	$669.10	$695.75	$0.00	$695.75	3.98%
1.5 cy 6 x week	$795.49	$0.00	$795.49	$827.17	$0.00	$827.17	3.98%
2 cy 1 x week	$195.14	$0.00	$195.14	$202.91	$0.00	$202.91	3.98%
2 cy 2 x week	$381.17	$0.00	$381.17	$396.35	$0.00	$396.35	3.98%
2 cy 3 x week	$553.28	$0.00	$553.28	$575.31	$0.00	$575.31	3.98%
2 cy 4 x week	$725.29	$0.00	$725.29	$754.17	$0.00	$754.17	3.98%
2 cy 5 x week	$897.35	$0.00	$897.35	$933.09	$0.00	$933.09	3.98%
2 cy 6 x week	$1,069.49	$0.00	$1,069.49	$1,112.08	$0.00	$1,112.08	3.98%

City of Milpitas

2016-2017 Biennial Rate Application

Rates Effective: January 1, 2016

3 cy 1 x week		$284.43	$0.00	$284.43			$295.76	$0.00	$295.76	3.98%
3 cy 2 x week		$562.06	$0.00	$562.06			$584.44	$0.00	$584.44	3.98%
3 cy 3 x week		$820.17	$0.00	$820.17			$852.83	$0.00	$852.83	3.98%
3 cy 4 x week		$1,144.18	$0.00	$1,144.18			$1,189.75	$0.00	$1,189.75	3.98%
3 cy 5 x week		$1,336.38	$0.00	$1,336.38			$1,389.60	$0.00	$1,389.60	3.98%
3 cy 6 x week		$1,594.47	$0.00	$1,594.47			$1,657.97	$0.00	$1,657.97	3.98%

Voluntary Food Waste Compost Pilot Program - Bin Rental Rates (per month charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Service Level		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1 cy		$14.66	$0.00	$14.66			$15.24	$0.00	$15.24	3.96%
1.5 cy		$14.97	$0.00	$14.97			$15.57	$0.00	$15.57	4.01%
2 cy		$14.97	$0.00	$14.97			$15.57	$0.00	$15.57	4.01%
3 cy		$19.93	$0.00	$19.93			$20.72	$0.00	$20.72	3.96%

Voluntary Food Waste Compost Pilot Program - Extra Pickup (per service charge)

		2014-15	2014-15	2014-15			2016-17	2016-17	2016-17	2016-17
		Old	Old	Old						
Service Level		**Base**	**Extraordinary**	**Total Rate**			**Base**	**Extraordinary**	**New Rate**	**% Change**
1 cy		$68.89	$0.00	$68.89			$71.63	$0.00	$71.63	3.98%
1.5 cy		$80.59	$0.00	$80.59			$83.80	$0.00	$83.80	3.98%
2 cy		$94.99	$0.00	$94.99			$98.77	$0.00	$98.77	3.98%
3 cy		$121.09	$0.00	$121.09			$125.91	$0.00	$125.91	3.98%

CITY OF MILPITAS
SINGLE UNIT SERVICE LEVEL

TABLE 1
MONTHLY RATE
SINGLE UNIT DWELLINGS
MONTHLY RATE CEILING

Item	Effective January 1, 2016
REPUBLIC SERVICES RATE	$17.49
FRANCHISE & BILLING FEES (1)	$3.33
BASE RATE (SUBTOTAL)	*$20.82*
RECYCLING PROGRAM	$4.66
COMMUNITY RELATIONS	$0.40
HOUSEHOLD HAZARDOUS WASTE PROGRAM	$0.09
ADMINISTRATIVE FEE	$0.74
STREET SWEEPING	$0.41
BILLING RATE (TOTAL) (2)	**$27.12**
CART RENTAL (3)	$3.18

(1) Billing fee set at 0% for senior citizen and 4% for all others.
(2) Amount may not be the actual amount billed to customers. The cost of other services provided under separate agreements. (i.e., yard trimmings service) should be included to obtain the actual billed amount as reflected in City Council Amendment.
(3) Optional 96 gallon cart. Some residential developments may include conditions requiring a mandatory 64-gallon cart rental.

TABLE 2
SENIOR CITIZEN (1)
MONTHLY RATE CEILING

Item	Effective January 1, 2016
REPUBLIC SERVICES RATE	$8.34
FRANCHISE & BILLING FEES (2)	$1.14
BASE RATE (SUBTOTAL)	*$9.48*
RECYCLING PROGRAM	$3.16
COMMUNITY RELATIONS	$0.40
HOUSEHOLD HAZARDOUS WASTE PROGRAM	$0.09
ADMINISTRATIVE FEE	$0.22
STREET SWEEPING FEE	$0.21
BILLING RATE (TOTAL) (3)	$13.56
CART RENTAL (4)	$3.18

(1) Limited to two 32 Gallon Cans or cart rented from COLLECTOR.
(2) Billing fee set at 0% for senior citizen and 4% for all others.
(3) Amount may not be the actual amount billed to customers. The cost of other services provided under separate agreements *(i.e., yard trimmings service)* should be included to obtain the actual billed amount as reflected in City Council Amendment.
(4) Optional 64 gallon cart. Some residential developments may include conditions requiring a mandatory 64-gallon cart rental.

TABLE 3
BULKY ITEM PICK-UP CEILING
Effective January 1, 2016

Pickup fee for two items	$54.41
Pickup fee for each additional item	$20.51
Fee in addition to pickup fees for appliances containing refrigerants	$40.47
Senior on-call fee for first two (2) pickups per year.	$0.00

CITY OF MILPITAS
RESIDENTIAL YARD TRIMMINGS SERVICE
MONTHLY SERVICE RATE CEILING

Table 4

	Effective January 1, 2016
Single-Unit Dwelling	$6.77
Senior Citizen	$3.40

CITY OF MILPITAS
MULTI-UNIT SERVICE LEVEL RATES
SOLID WASTE COLLECTION

1. SOLID WASTE FRONT LOADER SERVICE MONTHLY RATE CEILING

Effective January 1, 2016

		FREQUENCY PER WEEK					
BIN RENTAL(1)	**CONTAINER SIZE (CUBIC YARDS)**	**1X**	**2X**	**3X**	**4X**	**5X**	**6X**
$16.48	**1**	$81.58	$135.99	$186.80	$230.84	$280.33	$329.79
$16.48	**1.5** (2)	$104.71	$186.76	$248.11	$319.85	$391.53	$463.24
$16.48	**2**	$127.81	$230.84	$329.79	$428.72	$527.62	$626.63
$21.93	**3**	$183.60	$337.48	$485.83	$634.24	$782.68	$931.05
$24.79	**4**	$213.31	$391.29	$554.23	$717.25	$880.22	$1,043.22
$27.45	**6**	$293.68	$545.64	$799.22	$1,032.10	$1,285.69	$1,539.27
$30.26	**8**	$382.28	$708.29	$1,023.42	$1,338.66	$1,653.82	$1,969.05

(1) Included in rates. Deducted from monthly rate if customer owns bin.
(2) This size no longer offered to new accounts.

2. WEEKLY SOLID WASTE CART SERVICE MONTHLY RATE CEILING

NUMBER OF 96 GALLON CARTS	Effective January 1, 2016
1	$28.62
2	$54.31
3	$78.51
4	$104.18

Service more frequent than once per week shall be charged at 75% above the monthly rate for each additional service day.

3. SOLID WASTE PUSH AND RETURN MONTHLY RATE CEILING

Rates Effective January 1, 2016

	FREQUENCY PER WEEK					
NUMBER OF FEET DISMOUNTED	**1X**	**2X**	**3X**	**4X**	**5X**	**6X**
Up to 25'	$8.99	$17.97	$26.89	$35.87	$44.84	$53.78
26'-50'	$17.97	$35.87	$53.78	$71.71	$89.66	$107.59
51'-75'	$26.89	$53.78	$80.67	$107.59	$134.47	$161.35
76'-100'	$35.87	$71.71	$107.59	$143.42	$179.32	$215.16
101'-125'	$44.84	$89.66	$134.47	$179.32	$224.10	$268.92
126'-150'	$53.78	$107.59	$143.42	$224.10	$268.92	$322.70
151'-175'	$62.78	$125.51	$188.26	$251.01	$313.73	$376.52
176'-200'	$71.71	$143.42	$215.16	$286.86	$358.59	$430.29

4. CENTRALIZED COLLECTION MULTI-FAMILY ROLL-OFF REFUSE SERVICE MONTHLY RATE CEILING

CONTAINER SIZE (CUBIC YARDS)	Effective January 1, 2016
10	$490.68
20	$697.87
30	$889.70
40	$1,092.68
50	$1,301.24

Per unit, per month Household Hazardous Waste Fee	$0.09
Per unit, per month Bus Stop Fee	$0.02
Per unit, per month Administrative Fee	$0.52

5. CENTRALIZED COLLECTION MULTI-FAMILY ROLL-OFF REFUSE COMPACTOR SERVICE MONTHLY RATE CEILING

	Effective January 1, 2016
PER SERVICE MINUTE	$3.17
PER CUBIC YARD	$25.94

Plus 12% Franchise Fee

Per unit, per month Household Hazardous Waste Fee	$0.09
Per unit, per month Bus Stop Fee	$0.02
Per unit, per month Administrative Fee	$0.52

6. SOLID WASTE MISCELLANEOUS CHARGES

Effective January 1, 2016

Lock Installation (After Delivery)	$107.43
Bin Repairs	$86.83
Lock (Padlock Only)	$16.20
Container Delivery (New Account Set-Up And Bin Size Exchange)	$57.39
Graffiti Removal	
Second and subsequent bin exchanges per calendar year	$57.39
Republic supplies paint to Owner	no cost
Container Exchange (Dirty Container)	$107.43
Leak Proof 3 yard Front Load Container Additional Charge	$27.27

RECYCLING

7. SOLID WASTE PROGRAM
FIXED MONTHLY RATE PER DWELLING UNIT

	Effective January 1, 2016
RECYCLING PROGRAM	$3.09
PUBLIC INFORMATION	$0.48
HOUSEHOLD HAZARDOUS WASTE	$0.09
BUS STOP SERVICE	$0.02
ADMINISTRATIVE FEE	$0.50
STREET SWEEPING	$0.35
TOTAL RATE	**$4.53**

8. RECYCLING PUSH AND RETURN
MONTHLY RATE CEILING

Effective January 1, 2016

	FREQUENCY PER WEEK					
NUMBER OF FEET DISMOUNTED	**1X**	**2X**	**3X**	**4X**	**5X**	**6X**
Up to 25'	$8.99	$17.97	$26.89	$35.87	$44.84	$53.78
26'-50'	$17.97	$35.87	$53.78	$71.71	$89.66	$107.59
51'-75'	$26.89	$53.78	$80.67	$107.59	$134.47	$161.35
76'-100'	$35.87	$71.71	$107.59	$143.42	$179.32	$215.15
101'-125'	$44.84	$89.66	$134.47	$179.32	$224.10	$268.92
126'-150'	$53.78	$107.59	$143.47	$224.10	$268.92	$322.70
151'-175'	$62.78	$125.51	$188.26	$251.01	$313.73	$376.52
176'-200'	$71.71	$143.42	$215.15	$286.86	$358.59	$430.29

9. CENTRALIZED COLLECTION MULTI-FAMILY ROLL-OFF RECYCLE MONTHLY RATE CEILING

CONTAINER SIZE (CUBIC YARDS)	Effective January 1, 2016
10	$113.32
20	$144.21
30	$186.89
40	$216.34
50	$248.72

10. CENTRALIZED COLLECTION MULTI-FAMILY ROLL-OFF RECYCLE COMPACTOR SERVICE RATE CEILING

	Effective January 1, 2016
PER SERVICE MINUTE	$2.96
PER CUBIC YARD	$13.61
PER CUBIC YARD *	$9.68

*Rates per cubic yard when recyclable loads exceed 50% of any single commodity plus 12 % Franchise Fee

11. SOLID WASTE FRONT LOAD COMPACTOR MONTHLY RATE

(See Below)

12. SUPER COMPACTORS MONTHLY RATE

(See Below)

13. MOBILE HOME PARKS SOLID WASTE AND RECYCLING MONTHLY RATE CEILING

SERVICE LEVEL PER DWELLING UNIT	Effective January 1, 2016
One 32-gallon can	$10.34
Two 32-gallon cans	$15.34

CITY OF MILPITAS
COMMERCIAL SERVICE LEVEL
SOLID WASTE COLLECTION

1. FRONT LOADER SOLID WASTE SERVICE MONTHLY RATE CEILING

Effective January 1, 2016

BIN RENTAL(1)	CONTAINER SIZE (CUBIC YARDS)	FREQUENCY PER WEEK					
		1X	2X	3X	4X	5X	6X
$16.48	1	$94.88	$169.88	$233.65	$289.43	$351.61	$413.82
$16.48	1.5 (2)	$122.30	$233.50	$311.80	$402.17	$492.50	$582.82
$16.48	2	$149.71	$289.43	$413.82	$538.09	$662.42	$786.81
$21.93	3	$215.48	$423.48	$609.99	$796.51	$983.01	$1,169.51
$24.79	4	$252.88	$495.44	$703.32	$911.25	$1,119.11	$1,327.01
$27.45	6	$349.88	$693.58	$1,016.10	$1,314.41	$1,636.90	$1,959.39
$30.26	8	$455.73	$901.50	$1,304.60	$1,707.85	$2,111.00	$2,514.20

(1) Included in rates. Deducted from monthly rate if customer owns bin.
(2) This size no longer offered to new accounts.

COLLECTOR will remit to CITY, pursuant to Subparagraph 8(d)3 of agreement, $57,000 annually for community relations program funding.
COLLECTOR will remit to CITY, pursuant to subparagraph 8(d)3, $98,040 for front end load and $108,015 for roll off for the total of $206,055 annually for city administration fee.

2. WEEKLY SOLID WASTE CAN SERVICE MONTHLY RATE CEILING

Effective January 1, 2016

NUMBER OF 32 GALLON CARTS	RATE
1-3	$40.10
4-6	$84.11
7-9	$114.87
10-12	$150.03

NUMBER OF 96 GALLON CARTS	RATE
1	$33.62
2	$65.81
3	$95.03
4	$125.72

Service more frequent than once per week shall be charged at 75% above the monthly rate for each additional service day.

3. SOLID WASTE ROLL-OFF
MONTHLY RATE CEILING*

CONTAINER SIZE (CUBIC YARDS)	Effective January 1, 2016
10	$512.09
20	$725.49
30	$922.69
40	$1,131.63
50	$1,346.45
Return Collection	$85.15

* For 2.5 average hauls per month. If there is less than 2.5 hauls per month, there is an additional bin rental charge.

4. ROLL OFF BIN RENTAL
MONTHLY RATE CEILING

CONTAINER SIZE (CUBIC YARDS)	Effective January 1, 2016
10	$116.23
20	$148.58
30	$192.70
40	$222.10
50	$255.93

5. SOLID WASTE ROLL-OFF COMPACTOR
SERVICE RATE CEILING
Effective January 1, 2016

$3.32 PER SERVICE MINUTE + $26.86 PER YARD + 12% FRANCHISE FEE

6A. SOLID WASTE FRONT LOAD COMPACTOR
MONTHLY RATE CEILING
Effective January 1, 2016

WEEKLY YARDAGE x $28.85 PER YARD x 52 WEEKS DIVIDED BY 12 MONTHS + 12% FRANCHISE FEE

6B. SUPER COMPACTORS MONTHLY RATE CEILING
Effective January 1, 2016

(WEEKLY YARDAGE x $27.18 PER YARD) + (WEEKLY YARDAGE x $15.24 PER YARD) x 52 WEEKS DIVIDED BY 12 MONTHS + 12% FRANCHISE FEE

Note: For purposes of the application of the above rate, Super Compactors are distinguished by a compaction ratio greater than or equal to 6:1 and generating an average container density greater than 550 pounds per cubic yard. The CONTRACTOR shall determine the applicability of this definition. The CONTRACTOR's determination may be appealed by the Producer in writing to CITY.

7. SOLID WASTE
EXTRA PICK-UP RATE CEILING
Rates Effective January 1, 2016

SIZE	CONTAINER TYPE	MONDAY-FRIDAY RATE	SATURDAY RATE
1	32 Gallon Can	$8.84	$13.26
1	Wheeled Cart	$27.96	$30.89
1.0	Yard Bin	$58.86	$83.88
1.5	Yard Bin	$63.27	$92.73
2.0	Yard Bin	$70.64	$100.08
3.0	Yard Bin	$82.42	$108.92
4.0	Yard Bin	$97.14	$117.75
6.0	Yard Bin	$132.45	$142.74
8.0	Yard Bin	$142.74	$160.40
Any Compacted Yardage	Compactor	$42.68 per cubic yard	$50.05 per cubic yard

RECYCLING COLLECTION

8. RECYCLING
ROLL-OFF RATE CEILING

CONTAINER SIZE (CUBIC YARDS)	Effective January 1, 2016*
10	$329.63
20	$389.97
30	$432.66
40	$487.12
50	$547.47

* For 2.5 average hauls per month. If there is less than 2.5 hauls per month, there is an additional bin rental charge.

9. RECYCLING ROLL-OFF BIN RENTAL
MONTHLY RATE CEILING

CONTAINER SIZE (CUBIC YARDS)	Effective January 1, 2016
10	$113.32
20	$144.21
30	$186.89
40	$216.34
50	$248.72

10. RECYCLING ROLL-OFF COMPACTOR SERVICE RATE CEILING

Rates Effective January 1, 2016

$3.11 PER SERVICE MINUTE **+** $10.20 OR $14.34 PER YARD **+** 12% FRANCHISE FEE
When recyclable loads exceed 50% of any single commodity, then per yard cost will decrease from $14.34 to $10.20 per yard.

11. RECYCLING FRONT LOAD COMPACTOR MONTHLY RATE CEILING

Rates Effective January 1, 2016

WEEKLY YARDAGE x $10.20 OR $23.80 PER YARD x 52 WEEKS DIVIDED BY 12 MONTHS **+** 12% FRANCHISE FEE
When recyclable loads exceed 50% of any single commodity, then per yard cost will decrease from $23.80 to $10.20 per yard.

OTHER CHARGES

12. FRONT LOADER PUSH AND RETURN MONTHLY RATE CEILING PER BIN

Effective January 1, 2016

	FREQUENCY PER WEEK					
NUMBER OF FEET DISMOUNTED	**1X**	**2X**	**3X**	**4X**	**5X**	**6X**
Up to 25'	$8.99	$17.97	$26.89	$35.87	$44.84	$53.78
26'-50'	$17.97	$35.87	$53.78	$71.71	$89.66	$107.59
51'-75'	$26.89	$53.78	$80.67	$107.59	$134.47	$161.35
76'-100'	$35.87	$71.71	$107.59	$143.42	$179.32	$215.16
101'-125'	$44.84	$89.66	$134.47	$179.32	$224.10	$268.92
126'-150'	$53.78	$107.59	$143.42	$224.10	$268.92	$322.70
151'-175'	$62.78	$125.51	$188.26	$251.01	$313.73	$376.52
176'-200'	$71.71	$143.42	$215.16	$286.86	$358.59	$430.29

13. SOLID WASTE MISCELLANEOUS CHARGES

Effective January 1, 2016

Lock Installation (After Delivery)	$107.43
Bin Repairs	$86.83
Lock (Padlock Only)	$16.20
Container Delivery (New Account Set-Up and Bin Size Exchange)	$57.39
Graffiti Removal	
Second and subsequent bin exchanges per calendar year	$57.39
Republic supplies paint to Owner	no cost
Container Exchange (Dirty Container)	$107.43
Leak Proof 3-yard Front Load Container	$27.27

14. RETURN COLLECTION OF OPEN TOP SOLID WASTE CONTAINERS SERVICE RATE

Rates Effective January 1, 2016

The criteria and procedures outlined in Exhibit L of this Agreement shall be followed before the CONTRACTOR may charge $85.15 per haul.

15. VOLUNTARY FOOD WASTE COMPOST PILOT PROGRAM

Effective January 1, 2016

Times/Week	**1-cubic yard (CY)**	**1.5-CY**	**2-CY**	**3-CY**
1 x week	$120.37	$161.64	$202.91	$295.76
2 x week	$221.96	$312.80	$396.35	$584.44
3 x week	$312.92	$432.83	$575.31	$852.83
4 x week	$396.35	$564.32	$754.17	$1,189.75
5 x week	$485.83	$695.75	$933.09	$1,389.60
6 x week	$575.31	$827.17	$1,112.08	$1,657.97
Bin Rental	$15.24	$15.57	$15.57	$20.72
Extra Pickup	$71.63	$83.80	$98.77	$125.91

*7

City Clerk's Office

NOV - 3 2015

RECEIVED

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form for Non-Profit Organizations

Complete this form and return it to Milpitas City Clerk

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: Milpitas Firefighters Toy Drive

Is there a Milpitas branch or affiliation? YES

Mailing Address: 777 S. Main St. (FIRE STATION 1)
Milpitas CA. 95035

Contact Person: Gabriel Borland Telephone No. (408) 476-9700

Email Address: gborland@ci.milpitas.ca.gov

What is your request? Donation Amount Requested $500.00 OR

Fee Requested to be waived (type and $ amount) _____

Event date(s): December 19, 2015

What is the purpose of the event? Provide food and gifts for underprivileged families in Milpitas and Alviso.

How will the Milpitas community benefit from this event? Provide relief over the holidays for underprivileged families.

What % of the fund raising proceeds will benefit Milpitas community? 100%.

How will the City's contribution (if granted) be recognized in any publicity? Web and print media.

Within 60 days after completion of the event for which a donation was received or a fee waiver/ reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: [signature] Date: 10/27/15

Print Name & Title: Gabriel Borland Chairperson

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: AUG 13 2007

MILPITAS FIREFIGHTERS TOY PROGRAM
PO BOX 361628
MILPITAS, CA 95036

Employer Identification Number:
26-0267135
DLN:
17053166004027
Contact Person:
ZENIA LUK ID# 31522
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
May 1, 2007
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2011

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

MILPITAS FIREFIGHTERS TOY PROGRAM

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Statute Extension

Milpitas Holiday Toy & Food Drive

December 1 - 19, 2015

Share the joy of this holiday season with another family by donating a new, unwrapped toy or non-perishable food item. Toy donations are being sought for both children and teens. *All food donations (private or corporate) may be dropped off at the Milpitas Food Pantry, 1440 S. Main St.* All toy donations may be dropped off at toy barrels located in all City buildings, or call (408) 586-2800 for additional barrel locations.

Drop off Locations

City Hall, 455 E. Calaveras Blvd.
Community Center, 457 E. Calaveras Blvd.
Corporation Yard, 1265 N. Milpitas Blvd.
Fire Station #1, 25 W. Curtis
Fire Station #2, 1263 Yosemite
Fire Station #3, 45 Midwick
Fire Station #4, 775 Barber Lane
Milpitas Chamber of Commerce, 828 N Hillview Dr.
Milpitas Food Pantry, 1440 S. Main Street
Police Department, 1275 N. Milpitas Blvd.
Senior Center, 40 N. Milpitas Blvd.
Sports Center, 1325 E. Calaveras Blvd.

501c3 Tax ID# 26-0267135

Food and Toy Giveaways
Saturday, December 19, 2015
11:00 am-3:00 pm
Spring Valley Bible Church 220 S. Main Street

Proof of Milpitas or Alviso residency is required (zip codes 95035 and 95002), along with identification of each dependent listed and proof of assistance.

- Preregistration is required -

For Food Registration
Contact the Milpitas Food Pantry (408) 946-5564
Monday-Tuesday, 9:00 am-1:00 pm
Thursday, 6:00 pm - 8:00 pm
Saturday, 9:00 am-12:00 pm

For Toy Registration
Contact the Milpitas Fire Department (408) 586-2800

Sponsored by
Firefighters Local Union 1699
Family Giving Tree
Milpitas Chamber of Commerce
Milpitas Fire Department
City of Milpitas
Milpitas Food Pantry

For more information, call the Milpitas Fire Department at (408) 586-2800, or the Milpitas Food Pantry at (408) 946-5564. Should you know of a family seeking assistance this holiday season, please call the above numbers for information on receiving donated items.

Milpitas Executive Lions Club's "Celebrating Differences" Event
April 24, 2016, 2:00 PM - 5:00 PM
List of Fees

Facility & Staff	**Fee**	
Community Center Auditorium	$20 application fee	
	$500 deposit	
	$80/hour x 6 hours = $480 (includes Building Attendant hourly rate)	
		Sub Total = $1,000.00
Dance Studio	$20 application fee	
	$500 deposit	
	$14.50/hour x 6 hours = $87	
		Sub Total = $607.00
Conference Room 7&8	$20 application fee	
	$500 deposit	
	$30.00/hour x 6 hours = $180	
		Sub Total = $700.00
Full Time Staff OT	$39.65/hour x1.5 x 12 hours	Sub Total = $714.00
		Total = $3,021.00

REGULAR

NUMBER: **38.823**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE (ZONING CODE), SECTIONS 2, 13.11, AND 24.04, TABLES 57.04-1 AND 64.02-1, AND ADDING SECTION 15, RELATING TO SPECIAL EVENTS AND ACTIVITIES**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of November 3, 2015, upon motion by Councilmember Barbadillo, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: APPROVED:

_____ _____

Mary Lavelle, City Clerk Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, Title XI, Chapter 10, entitled "Zoning" of the Milpitas Municipal Code sets forth the Zoning standards for the City of Milpitas; and

WHEREAS, the City Council recognizes that special events and activities such as festivals, carnivals, celebrations, and athletic events enhance the quality of life for residents and visitors alike, and provide substantial economic benefits related to additional tourism; and

WHEREAS, the use of City streets and other City-owned or controlled properties by large groups cause wear and tear on such properties and requires City staff time to provide coordination; and

WHEREAS, such special events have may have the potential to expose neighboring residents to excessive noise and traffic; and

WHEREAS, the City Council wishes to ensure that all special events are conducted in a safe and orderly fashion to benefit all those who live in and visit the City of Milpitas by establishing a structured process for permitting the use of public facilities and the staging of outdoor special events conducted by the private sector to use City streets, facilities or services, or to conduct events that occupy, impact or consume public resources as a result of the congregation of people; and

WHEREAS, uniform procedures promote and protect the rights of those organizing special events, those participating in them, and those living and working nearby; and

WHEREAS, the Milpitas Zoning Code, Chapter 10 of Title XI of the Milpitas Municipal Code, is proposed to be amended to add a new Section 15 entitled "Special Events and Activities" and to make other necessary revisions to ensure consistency regarding Special Events references throughout the Zoning Code as set forth herein; and

WHEREAS, on May 13, 2015, the Planning Commission Subcommittee reviewed staff's proposed process improvements and recommended proposed changes to the Planning Commission; and

WHEREAS, on June 10, 2015, the Planning Commission conducted a duly-noticed public hearing and received a report recommending the amendment of the Milpitas Zoning Code to better address the Special Event Permit process; and

WHEREAS, on October 14, 2015, the Planning Commission conducted a duly noticed public hearing meeting and adopted Resolution No. 15-017, recommending the City Council amend the Milpitas Zoning Code to (i) delete the definition of "Special Events" from Section 2 "Definitions"; (ii) amend Section 13 "Special Uses" to delete the existing special event provisions; (iii) add a new Section 15 entitled "Special Events and Activities"; (iv) amend Section 24 "Signs" to delete reference to Section 13 "Special Uses" and add a new reference to the new Section 15 "Special Events and Activities;" (v) delete the reference to "Special Events and Activities" in Table 57.04-1 "Applications;" and (vi) add a new reference to "Special Event Permits" to Table 64.02-1 "Development Review Process"; and

WHEREAS, on November 3, 2015, the City Council conducted a duly-noticed public hearing to consider the recommendation from the Planning Commission to amend the Zoning Code as stated herein; and

WHEREAS, the City Council finds that with the inclusion of the herein stated amendments to the Zoning Code, the Zoning Code remains internally consistent; and

WHEREAS, the City Council finds the proposed Zoning Code text amendments are categorically exempt pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Guidelines. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effects on the environment.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals and findings set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. SPECIFIC FINDINGS

Zoning Text Amendment (Section XI-10-57.02.G.3) - The City Council makes the following findings based on the evidence in the public record in support of Zoning Text Amendment No. ZA15-0004:

Zoning Text Amendment (Section XI-10-57.02.G.3)

1. The proposed amendment is consistent with the General Plan.

The proposed Ordinance is consistent with and implements the City of Milpitas' General Plan. The Ordinance promotes and encourages events for the greater good and cultural diversity of the city and establishes a structured process for permitting special events and activities that insures the city, residents and visitors have adequate notice of proposed events and activities and that the events and activities are properly planned and coordinated.

The project is also consistent with the following General Plan Guiding Principles and Policies:

- Implementing Policy No. 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.
- Implementing Policy No. 2.d-G-2 - Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.

2. The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.

The proposed zoning amendment will include provisions to ensure public health, safety, and the general welfare standards are met for special events and activities. The zoning provisions will provide requirements; establish permit application filing procedures, and provisions for permit approvals and denials.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10 (ZONING)

Section XI-10-2.03 entitled "Definitions" of the Milpitas Municipal Code is amended to delete the definition of "Special Events and Activities" entirely.

Subsections XI-10.13.11.G through J, inclusive, of the Milpitas Municipal Code are amended and renumbered as follows:

G. Temporary Buildings or Structures. Temporary buildings or structures may be permitted, subject to the following provisions:
   1. Authorization. Written authorization for the sale shall be obtained from the property owner.
   2. Location. The temporary building or structure shall not be visible from adjacent streets or right-of-ways.
   3. Review Requirements. Temporary buildings or structures shall require the approval of a Conditional Use Permit, in accordance with Section XI-10-57.04, Conditional Use Permits, of this Chapter.
   4. Only temporary buildings and structures serving permitted uses or uses that received a Conditional Use Permit pursuant to the underlying zoning are allowed.

5. Time limits. Temporary use of buildings shall not exceed two (2) years in undeveloped sections of the City, and for periods not to exceed six (6) months in developed sections. Exceptions may be granted if required by County, State or federal agency.

H. Temporary Contractor's Office. Temporary contractors' office trailers and construction-related storage trailers in undeveloped and developed sections of the City shall comply with the following:

1. Location. Trailers shall not obstruct driveways or traffic access aisles.
2. Other Standards.
   a. The applicant shall demonstrate that parking will not be negatively impacted.
   b. The colors and materials shall complement the main building, if one exists.
   c. Any exterior noise-generating equipment associated with trailers shall not be within 300 feet of a residential or mobile home park overlay district or use.
   d. Trailers shall be removed upon cessation of permitted construction activity.

Exceptions. Any deviation from standards 1 and 2 above shall only be allowed through the approval of a Minor Site Development Permit.

I. Conditions. When considering approval of a temporary use or structure, the review authority may impose conditions deemed necessary to ensure that the permit or approval will be in accordance with the standards prescribed in this Section and the findings required for the approval. These conditions may include, but are not limited to:
1. Regulation of operating hours and days;
2. Provision for temporary parking facilities, including vehicular ingress and egress;
3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;
4. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
5. Provision for sanitary and medical facilities;
6. Provision for solid, hazardous and toxic waste collection and disposal;
7. Provision for security and safety measures;
8. Regulation of signs;
9. Submission of a performance bond or other surety devices, satisfactory to the review authority, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
10. Provision for visual screening, not limited to landscaping;
11. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Section.

Title XI, Chapter 10 is amended to add a new Section 15 entitled "Special Events and Activities" to read as follows:

Section 15 - Special Events and Activities

XI-10-15.01 - Purpose and Intent

The purpose and intent of this Section is to provide a regulatory framework for permitting Special Events. Special Events shall be conducted so as not to cause any detrimental effects to surrounding properties and the community, and shall not violate any other ordinance or regulation of the City. The provisions set forth in this Section shall establish criteria for characterizing events as "Special Events" and standards and conditions for approving and permitting such Special Events.

XI-10-15.02 - Applicability

Unless identified as exempt below, this Section shall apply to Special Events on private property and public streets, sidewalks, alleys, parks, ways, public places, and public rights-of-way as described in Subsections 15.03 through 15.22 of this Section.

XI-10-15.03 - Review Requirement

Special Events shall require review and approval in accordance with Table XI-10-15.03-1, below.

Table XI-10-15.03-1
Review Requirements for Special Events

Threshold for review	Planning Director or Designee	Planning Commission Subcommittee	Hearing Officer
Minor Events • Any Special Event with or without amplified sound that does not exceed four consecutive days (including set up and tear down). • Block parties on a residential street.[1]	X		
Major Events • Any Special Event that exceeds four consecutive days (including set up and tear down); up to seven days with or without amplified sound and/or street closures or any event that anticipates crowds exceeding 1,000 people.[2]	X		
Multiple Reviews • Recurring Special Events (up to four events per calendar year): Applicant may request a one-time review and issuance of a Special Event Permit for events which occur up to four times per calendar year for a permissible duration of 4 consecutive days for each recurring event.[3] • Multi-Year Events: Applicant may request a Special Event Permit good for up to three (3) years for Special Events that will be held annually, for up to three (3) consecutive years in the same location. Applicant must demonstrate that the same event location, layout, date and times are adhered to for each event.[3]	X	X	
Appeals or Revocations • Hearing on a notice of decision to			X

deny an application for Special Event Permit or to revoke or appeal a Special Event Permit.[4]			

1 See MMC V-100-13.05

2 Permits for events exceeding seven (7) days may be granted at the Planning Director's discretion.

3 Planning Director may recommend to Planning Commission Subcommittee for review and approval.

4 Appeals to Hearing Officer may only occur after denial or revocation by the Planning Director or designee.

XI-10-15.04 - Definitions

The definitions set forth in this part shall govern the application and interpretation of this Section.

1. "Amplified Sound" means any sound created by the use of sound amplification equipment and/or performance with electric or acoustic instruments associated with a special event.
2. "Athletic Events" means a physical or endurance activity that includes but is not limited to races, runs, walkathons, bicycle tours and the like.
3. "Block Party" means a party for all the residents of a block or neighborhood, typically held on a temporarily closed City street.
4. "Business day" means any day except Saturday, Sunday and holidays observed by the City of Milpitas.
5. "Business License" means a permit issued by the City of Milpitas that allows individuals, companies, or other entities to transact and conduct business within the City limits.
6. "City Official" means an authorized officer of the City of Milpitas as appointed by the City Manager or City Council.
7. "Director" means the Director or head of the department(s) designated to issue Special Event Permits, or such other person or persons designated by the Director to fulfill the responsibilities identified as the Director's responsibilities herein.
8. "Downtown" means the main business or commercial areas within the Midtown and Transit Area Specific Plan districts and the Town Center Zoning District.
9. "First Amendment Event" means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary, or auditory means of opinion, views or ideas. Expressive activity includes, but is not limited to, public oratory and distribution of literature.
10. "Food Truck Event" means an event where a more than three (3) food trucks gather in one location.
11. "Indigent Natural Person" includes, but is not limited to, a person enrolled or participating in a federal or state government assistance program for low-income or indigent persons such as general assistance, CalWORKS, Medi-Cal, food stamps, Supplemental Security Income (SSI), Women, Infants and Children (WIC), U.S. Department of Housing and Urban Development (HUD) Section 8 rental housing subsidy, and other subsidized or public housing.
12. "Indoor/Outdoor Facility Rental Agreement" means a rental agreement issued by the Recreation Services Department to conduct a special event in a park.
13. "Outside Agency" means any local, state or federal regulatory agency responsible for administering permits to allow certain activities within their purview. Outside agencies includes but not limited to other City jurisdictions, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), California Department of Transportation (Caltrans), California Department of Alcoholic Beverage Control, Santa Clara Country Department of Environmental Health and Santa Clara County Roads and Airports.
14. "Parade" means an organized group marching in procession on a street. Parades do not include races, runs or other athletic events.
15. "Park", for purposes of this Section, means all outdoor areas managed by the Recreation Services Department, which are identified as a City park by the City, made available for use by the public as a park for recreation or open space purposes, and over which the City has the right of use for such purposes. The term "park" does not include outdoor areas adjacent to community centers not otherwise located within a City park, or property owned by school districts even if the property is used by the City for recreational purposes.
16. "Paseo" means a mall designed and used for pedestrian passage between two or more parallel streets and which is owned or controlled by the City. The definition of "paseo" includes any adjacent sidewalks.

17. “Permittee” means a person, company, corporation or entity that is given a permit or permission to hold a Special Event.
18. “Permit Applicant” means a person, company, corporation or entity that applies for a permit.
19. “Plaza” means a public square or similar open area in the downtown which is owned or controlled by the City. The definition of "plaza" includes any adjacent sidewalks.
20. “Public Right-Of-Way” means any street, alley, or similar parcel of land, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.
21. “Regulations” means the policies, rules and regulations mandated by the City which govern the Special Event Permit and use of City sidewalks, streets, plazas, paseos, and parks.
22. “Simple Assembly” means a gathering of persons at a park, plaza or paseo that does not include any of the following:

    a) The placement or erection of equipment or temporary structures other than one portable table and two chairs; or

    b) Activities referenced in Section XI-10-15.04 (23) (c) of this Code.

    c) For purposes of illustration, a simple assembly can be a large gathering of one hundred fifty (150) persons; no equipment or structures (other than a table and two chairs) are placed or erected; and the other activities (i.e., cooking, sale or public distribution of food and commercial merchandise) are not involved. Nothing herein prevents the use of handheld equipment, including a loudspeaker, and handheld signs at a simple assembly.

23. “Special Event” means an outdoor event that consists of any of the following:

    a) A parade or assembly consisting of persons, animals, vehicles, or any combination thereof, which is to intended to assemble or travel in unison on any street and which does not comply with applicable traffic regulations, laws, or controls;

    b) An organized assemblage of one hundred fifty (150) or more persons at a plaza or park, or seventy-five (75) or more persons on a paseo, or any assemblage that exceeds the maximum capacity of the plaza, park or paseo facility gathered for a common purpose under the direction or control of a person or organization; or

    c) An activity or event on a public right-of-way, plaza, paseo, park or private property which involves:

        i. The placement or erection of equipment or temporary structures other than one portable table and two chairs, including but not limited to a booth, tent, canopy, stage, barricade, fencing, generator, heating equipment, sound amplifier, vehicle or float;

        ii. The use of live animals, fireworks, pyrotechnics, electrical power and/or cabling, or equipment or materials that can create a risk of damage to public or private property or injury to persons;

        iii. Cooking or the sale, preparation for sale or commercial distribution of food or beverages;

        iv. The sale of commercial merchandise.

    d) An activity which involves blocking off a street or other use of a street which obstructs the normal traffic thereon.

    e) Examples of Special Events include, but are not limited to, concerts, parades, carnivals, fairs, festivals, block parties, public dances, street fairs, community events, sporting or athletic events, parties, meals, food truck gatherings, celebrations and receptions.

    f) For definitions of “Major” or “Minor” Special Events, see Table XI-10-15.03-1: Review Requirements for Special Events.

24. “Special Event Permit” means a permit issued pursuant to this Section, which authorizes the holder to conduct a Special Event at a Special Event Venue in accordance with its terms and conditions. A Special Event Permit includes a Temporary Street Closure Permit, Temporary Assembly Permit, Business License, and any outside

agency regulatory permits that may be required for the operations and activities for the aforementioned Special Event.

25. "Special Event Venue" means the outdoor area (i.e., private property, street, park, paseo, or plaza) for which a Special Event Permit has been issued.
26. "Street" means a public or private right of way used for vehicular traffic that is owned, controlled or maintained by the City. The definition of "street" includes the entire street right-of-way inclusive of any and all adjacent sidewalks.
27. "Temporary Street Closure Permit" means a permit issued by the Chief of Police of the Milpitas Police Department or designee to conduct a special event on a public street.
28. "Temporary Assembly Permit" means a permit that is issued by the City of Milpitas Fire Marshal for the temporary assembly of fifty (50) or more people associated with a Special Event.
29. "Temporary Collection Service Agreement" means an agreement between the Permittee and City's public service provider for the trash and recycling collection.
30. "Written Request" means written, typed or email correspondence submitted by the applicant to the Director or Designee. Text messages are not included.

XI-10-15.05 - Permit Required

No person, company, corporation or entity shall conduct or cause to be conducted, participate or engage in, hold, manage, permit, or allow another to conduct a Special Event in, on or upon any street, paseo, plaza or park unless authorized to do so as follows:

A. By this Section or otherwise by this Code;

B. Pursuant to the terms of a permit, lease or contract which has been entered into by the City in accordance with the provisions of this Code or as specifically authorized by the City Council; or

C. In accordance with a Special Event Permit.

XI-10-15.06 - Exceptions to Permit Requirement

Notwithstanding any other provision of this Chapter, the following activities are exempt from the Special Event Permit requirement:

A. Activities on a street conducted by a governmental agency acting within the scope of its authorized functions;

B. A simple assembly on an area of a plaza or park that is open to the public and which has not been reserved for use, provided that the assembly meets the definition of "Simple Assembly" herein and remains in compliance with all regulations applicable to the plaza or park, including but not limited to the capacity limits of the applicable area of the plaza or park.

C. Park rental for the purpose of private party not open to the general public.

D. Private small gatherings and parties typically held at home that do not involve amplified sound and are not incompatible with the generally intended use of the property and have no impact on the neighborhood or community.

E. First Amendment events planned in response to a contemporaneous public event or decision which could not have been known in advance. However, the person conducting, organizing or sponsoring the First Amendment event shall, if practicable, provide notice to the Milpitas Police Department no later than forty-eight (48) hours prior to the commencement of the First Amendment event if there is any possibility that the event will interfere with the flow of traffic.

XI-10-15.07 - Issuance of Special Event Permits

A. The Director or designee is authorized to issue Special Event Permits consistent with Table XI-10-15.03-1. (Review Requirements for Special Events)

B. Special Event Permits are issued on a first-come, first-served basis to applicants who comply with the permit application procedure and requirements set forth in XI-10-15.13 (Permit Application Filing Time) and the regulations issued under this Section.

C. The Director or designee may condition any permit issued pursuant to this Section with reasonable requirements concerning the time, place or manner of holding the Special Event as is necessary to coordinate multiple uses of public property, assure preservation of public property and public spaces; prevent dangerous, unlawful or prohibited uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States Constitutions. Conditions may include, but are not limited to, the following:

1. The establishment of an assembly or disbanding area for a parade or like event;
2. The accommodation of a Special Event's pedestrian and vehicular traffic, including restricting events to City sidewalks, portions of a street, or other public right-of-way;
3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency access;
4. The number and type of vehicles, animals, or structures to be displayed or used in the conduct of the Special Event;
5. The written representation of the Special Event applicant that any stages, booths, floats, structures, vehicles or equipment to be used or operated during the Special Event are safely constructed and can be safely operated, and conform to the requirements of all applicable codes;
6. A cleaning and repair deposit if the event includes the placement of a booth, tent, canopy, stage, barricade, fencing, generator, heating equipment, float, vehicle, portable restrooms, dumpsters, carnival rides, or any structure or equipment on the public right-of-way or within a public paseo, plaza, or park that requires a permit or approval from the City;
7. Display or use of animals;
8. Operation of water stations;
9. Application of materials on City property;
10. Use of fireworks, pyrotechnics, or equipment or materials that create substantial risk of damage to City property;
11. Sporting events on non-athletic fields;
12. Cooking, preparation for sale, or sale of food or beverage;
13. The provision and use of traffic cones or barricades or traffic control personnel;
14. The provision or operation of first aid stations or sanitary facilities, including sanitary facilities with disabled access;
15. The provision of a waste and recycling management plan, and the clean-up and restoration of the site of the Special Event;
16. The use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the Special Event;
17. The manner of providing notice of permit conditions to Special Event vendors or participants and community notice of the Special Event to those businesses or residents who may be directly affected by the conduct of the event;
18. The provision or use of emergency services;
19. The reasonable designation of alternate sites, times, or dates;

20. The obtaining of any and all business licenses or other necessary permits required by local and State governmental agencies for the sale or distribution of food, beverage or other goods or services at the Special Event;

21. The manner by which alcohol sales and service, if any, shall be conducted at the Special Event;

22. The precautions necessary for the protection of wildlife, native plants and sensitive habitats, streams, lakes and waterways within or adjacent to the Special Event.

XI-10-15.08 - Rules and Regulations

A. The Director is authorized to promulgate rules and regulations consistent with this Section, and to place reasonable time, place and manner conditions, consistent with this Section, on Special Event Permits, including without limitation, limits on the number of permits issued per month, the duration of a permit or event, and the times the Special Event Venue is available for event reservation as reasonably necessary to avoid adverse impacts on the community. Nothing herein limits the authority of the Director of Public Works, City Traffic Engineer, Fire Marshal, Chief of Police and/or Recreation Services Manager, to issue regulations applicable to parks, public right-of-ways, and/or private property.

B. It shall be unlawful to disobey or fail to follow regulations adopted pursuant to this Section, or any other rule, regulation, or lawful direction promulgated or made by the Director, of which such person has actual notice, however given, or as to which constructive notice has been given by appropriate sign or notice at the Special Event Venue.

XI-10-15.09 - Fees and Charges

A. An applicant for a Special Event Permit shall pay all fees, deposits and applicable City charges in the amounts and at the prescribed time, as set forth by resolution of the City Council.

B. Applications which do not adhere to the application filing time requirements in Section XI-10-15.13 (Permit Application Filing Time) may be subject to additional fees arising as a direct result of the late application. Upon conclusion of the Special Event, the City shall send an invoice to the Permittee for all fees and charges still due to the City, for the cost of services provided by the City departments and for the cost to the City of any cleaning and/or repairs to the Special Event Venue made necessary by the Permittee’s use. Permittee shall be responsible for the actual costs of cleaning and repairs made necessary by the Permittee's use of the Special Event Venue.

C. Any person who conducts, organizes, sponsors or produces a Special Event without obtaining a permit in violation of this Section shall be responsible for the actual costs of cleaning and repairs to the Special Event Venue and City departmental service charges incurred in connection with or due to the unpermitted Special Event.

D. Any indigent natural person who intends to engage in a First Amendment event who cannot afford to pay a permit fee shall not be required to pay the fee. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant information and documentation as the Director determines is reasonably necessary to verify such status. Nothing herein shall exempt an indigent natural person from the requirement to apply for and obtain a permit under this Section.

XI-10-15.10 - Indemnification and Hold Harmless

A. Except as set forth in Subsection B below, each Permittee to whom a Special Event Permit has been granted must agree in writing to indemnify and hold the City, its officers, agents and employees, harmless from and against any and all liability and losses incurred from the conduct of Permittee or its officers, employees, and agents.

B. The requirement set forth in this Subsection shall not apply to:

1. Special events that are First Amendment events, unless Permittee has elected to provide indemnification to the City in accordance with Subsection A above in lieu of providing the insurance required in Section XI-10-15.11 (Insurance Requirement) below; and

2. Activities referenced in Section XI-10-15.06 (Exceptions to Permit Requirement) of this Code.

XI-10-15.11 - Insurance Requirements

A. As a condition of the Special Event Permit, the Permittee shall provide the Director with proof of insurance no later than eight (8) business days prior to the Special Event, which insurance shall remain in full force and effect throughout the term of the Special Event Permit. The following are excepted from the requirements of this Subsection:

   1. Any Special Event where the requirement for insurance is prohibited by law;

   2. Any Special Event where exemption is obtained as provided in Subsection XI-10-15.06;

   3. First Amendment events that do not present any objective, substantial risk, hazard, or danger to the public health and safety, as identified by the City Manager, who shall consider the reasonably foreseeable consequences of the event. Applicants seeking approval of First Amendment events which, due to their design or schedule, do present an objective, substantial risk, hazard, or danger to the public health or safety, must either comply with the insurance requirements of this Section XI-10-15.11 or enter into a hold harmless agreement as set forth in Section XI-10-15.10 above; or

   4. Special Events permitted under this Section that do not involve:

      a) The placement or erection of stages, barricades, fencing, booths, tents, canopies, floats, vehicles, generators, heating equipment, portable restrooms, dumpsters, carnival rides, or any structure or equipment requiring a permit or approval from the Building and Fire Department; and

      b) The other activities referenced in Section XI-10-15.06 (Exceptions to Permit Requirement) of this Code.

B. Notwithstanding the timeframe set forth in Section XI-10-15.13 (Permit Application Filing Time), if an application for a Special Event Permit is submitted to the City less than fourteen (14) days prior to the Special Event under this Section, the Permittee shall provide the Director with proof of insurance as prescribed in the regulations no later than eight (8) calendar days prior to the Special Event.

XI-10-15.12 - Permit Application

A. An applicant for a Special Event Permit shall file an application on a form provided by the Director, which shall contain all of the following information:

   1. The name, address, email, and telephone number of the applicant.

   2. A narrative description of the proposed Special Event, including:

      a) The name of the proposed Special Event;
      b) Expected attendance numbers;
      c) A description of any proposed food, beverage or alcohol service;
      d) The schedule of events to be included in the activity;
      e) A solid waste handling plan;
      f) A security plan and/or public safety plan when required by the regulations;
      g) A traffic handing and parking plan;
      h) A pedestrian circulation plan;
      i) A temporary event signage plan.

   3. The address of the proposed Special Event Venue and the specific area or areas therein which will be utilized in connection with the Special Event;

4. A detailed drawing depicting the layout of the proposed activity, including the number and location of any booths, cooking equipment, tables, canopies, stages, fencing, waste receptacles, signage, generators, and any other event equipment proposed to be placed at the Special Event Venue;
5. The date(s) and the specific times requested for use of the Special Event Venue;
6. The approximate number of vendors, if any;
7. For parades:
    a) The parade route to be followed;
    b) Start and termination points;
    c) The location of assembly and disbanding areas; and
    d) The maximum length of the parade components in miles or fractions thereof.
8. A certification that the applicant shall be financially responsible for any City fees, departmental service charges or costs that may lawfully be imposed for the Special Event;
9. The name, address, e-mail address and telephone number of the person to be contacted regarding the application or permit and, if different, the person to be contacted on the date or dates of the Special Event; and
10. The types of City services, if any, which are requested by the applicant.
11. Outside Agency and/or third party approvals.

B. An application shall not be complete until the applicant submits the permit fee as prescribed by the schedule of fees schedule established by City Council Resolution.

XI-10-15.13 - Permit Application Filing Time

A. A completed application for a Minor and Major Special Event shall be filed not less than seventy (70) business days before the proposed date of the Special Event.

B. For an event that requires a street closure on more than one public street, requires significant detouring which affects significant number or businesses or residences, or requires an encroachment permit from Caltrans, a Special Event Permit shall be filed not less than one hundred eighty (180) business days before the proposed date of the Special Event.

C. For First Amendment events not otherwise exempted from the Special Event permit requirement by Section XI-10-15.06 above, as well processions or parades that do not involve street closures, vehicles, floats, or use of equipment other than hand-held equipment, an application for a Special Event Permit shall be filed not less than fourteen (14) business days before the proposed date of the Special Event.

D. Permit applications which do not adhere to the application filing time requirements in this Section may be subject to additional fees arising as a direct result of the late submission of a Special Event Permit application. The Director shall have the authority to consider, grant or deny any application for a Special Event Permit which is filed later than the time prescribed in this Section.

XI-10-15.14 - Timeframe for Permit Decision and Permit Approval Criteria

A. The Director or designee shall approve, conditionally approve, or deny the application for a Special Event no later than twenty (20) business days after the receipt of a complete application for a Special Event.

B. The Director or designee shall approve or conditionally approve a Special Event Permit application under this Section if the Director finds that the following criteria have been met:

1. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this Code or other applicable laws, rules or regulations which have not been completed at the time the Special Event Permit application is submitted;
2. With sufficient traffic controls and conditions, the Special Event will not create a threat to public safety;

3. In order to protect the health and safety of the public, the Special Event will not conflict with construction in the public right-of-way or at a public facility;

4. The Special Event will not require the diversion of public safety or other City employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City;

5. The concentration of persons, animals or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;

6. The Special Event will not unreasonably interfere with any other Special Event for which a permit has already been granted or with the provision of City services in support of other scheduled events or scheduled government functions;

7. The proposed use, event or activity will not have a significant adverse environmental impact;

8. The proposed use, event or activity does not present a substantial or unwarranted safety, noise or traffic hazard;

9. The proposed Special Event will be consistent with the regulations established for each potential venue with regard to:
   a) Size;
   b) Type of activity;
   c) Available time period; and
   d) Frequency of events.

10. For parades, the parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en-route in order to limit the impacts on the flow of traffic through the City; and

11. The proposed Special Event does not meet the grounds for denial or revocation specified in Section XI-10-15.15 (Permit Denial or Revocation).

C. In determining whether to approve a permit application, no consideration may be given to the message of the event, the content of the speech, the identity or associational relationships of the applicant or its members or affiliates, or to any assumptions or predictions as to the amount of support or hostility which may be aroused in the public by the content of the speech or the message conveyed during the event.

D. The Director may condition any permit with reasonable requirements, as outlined in Section XI-10-15.07 (Issuance of Event Permits), and applicants may be required to pay permit fees and deposits, as outlined in XI-10-15.09 (Fees and Charges).

E. The Special Event Permit shall not be issued until the applicant has paid all required fees and deposits.

XI-10-15.15 - Permit Denial or Revocation

A. The Director or designee shall deny an application for a Special Event Permit or revoke a Special Event Permit if the Director finds any of the following:

1. Fraud, misrepresentation or any false statement contained in the application for a Special Event Permit, including without limitation, in carrying out the Special Event in a way not consistent with the application;

2. Failure to comply with the provisions of this Section or the regulations;

3. Failure to comply with the conditions of the Special Event Permit, including without limitation, failure to timely pay applicable fees and City charges, provide indemnification or insurance certificate or security deposit within the times required, or failure to comply with all other permit requirements, licensing requirements, or regulations required to conduct the activities described as part of the Special Event in the permit application or any amendment thereto;

4. The Special Event Venue or any substantial portion thereof is not available due to fire, casualty, act of God, emergency maintenance activity or public emergency;
5. The proposed event will conflict with a previously scheduled event organized by the City for use of the Special Event Venue, or with a Special Event or other permitted use previously approved to be held at the Special Event Venue;
6. The proposed event, as designed, will unreasonably impede, obstruct, impair or interfere with reasonable access to adjacent properties and the applicant will not agree to redesign the proposed event so as to allow reasonable access to the adjacent properties;
7. The Special Event Venue, including but not limited to the proposed areas for assembly or disbanding of parades, cannot physically accommodate the number of participants expected to participate and/or the items necessary or proposed to support the event;
8. The proposed activity or event will violate a federal, State or local law or regulation;
9. One or more of the approval criteria specified in Section XI-10-15.14 (Timeframe for Permit Decision and Permit Approval Criteria) is not met;
10. The requirements specified in Section XI-10.15.13 (Permit Application Filing Time) are not met.

XI-10-15.16 - Final Permit Approval

A. If the Director or designee has issued a Conditional Special Event Permit, the Permittee shall submit the final event plans and demonstrate all permit conditions have been satisfied at least ten (10) business days prior to the event. If the Permittee does not submit verification that the permit conditions have been met within the applicable deadline specified in this Subsection, the Special Event Permit will be deemed revoked.

B. Upon receipt of the final event plans and verification that permit conditions have been met consistent with Section XI-10-15.14 (Timeframe for Permit Decision and Permit Approval Criteria) above, the Director or designee shall issue written confirmation that such conditions have been met in the form of a final Special Event Permit or other written confirmation. The final Special Event Permit or confirmation shall be issued no later than five (5) business days after receipt of the final event plans and verification of compliance with permit conditions or two (2) business days prior to the first day of the Special Event, whichever occurs earlier.

C. At the discretion of the Director or designee an extension of the deadline for submission of final event plans or verification of permit conditions may be granted.

XI-10-15.17 - Notice of Decision

A. The Director or designee shall notify an applicant or Permittee in writing of the decision to approve, conditionally approve, or deny the application for a Special Event Permit or to revoke a Special Event Permit, in the event that the revocation is prior to the date of the proposed activity.

B. The notice of decision shall state any conditions required, the reasons for the conditions, or the grounds for denial of the application or revocation of the Special Event Permit. The notice shall notify the applicant or Permittee of the hearing opportunity pursuant to Section XI-10-15.18 (Hearing).

C. Notification shall be deemed satisfied and issued when the notice is placed, postage prepaid, in the United States mail, and addressed to the applicant at the address shown on the permit application.

D. Except as set forth in Subsection F, a written request for a hearing must be received no later than ten (10) calendar days after the date of the notice of decision.

E. If the notice of decision to deny, revoke or impose conditions on a Special Event Permit is issued five (5) or fewer business days prior to the proposed event, the notice of decision shall notify the applicant or Permittee of the time, date and location of the hearing.

F. Notwithstanding any other provision of this Subsection XI-10-15.17, if a notice of decision to deny or revoke a Special Event Permit issued for a First Amendment event less than thirty (30) calendar days from the date of the proposed event, any appeal from said decision shall proceed immediately to a court of competent

jurisdiction. The notice of decision shall become final unless a written request for hearing is received within the time limits set forth in this Subsection.

XI-10-15.18 - Hearing

A. Upon receipt of a timely written request for a hearing as outlined in Section XI-10-15.17 (Notice of Decision), the Director shall schedule a hearing before a hearing officer and shall promptly notify the applicant or Permittee of the hearing date, time and location.

B. At the hearing, the applicant or Permittee may present any relevant evidence. The appeal will be conducted informally; no formal rules of evidence shall apply. The applicant or Permittee may be represented by any person.

C. After closing the hearing, the hearing officer shall give a decision sustaining, reversing or modifying the decision to deny or revoke the Special Event Permit or specific permit conditions. A written notice of final decision shall be placed, postage prepaid, in the United States mail, addressed to the Permittee or applicant at the address shown on the permit application.

D. The decision of the hearing officer shall be final.

XI-10-15.19 - Display of Permit

A copy of the Special Event Permit shall be exhibited upon demand of any City Official.

XI-10-15.20 - Permit Amendment

A. If a Permittee desires to change the location, time, or duration or other significant aspect of the description of an event subject to a Special Event Permit, the Permittee shall apply for an amendment to the Special Event Permit.

B. A Special Event Permit amendment application must be filed with the Director no later than fifteen (15) business days in advance of the Special Event.

C. The Director shall grant, deny, or approve with modifications, the Special Event Permit amendment no later than seven (7) business days of receipt of the amendment application.

D. The provisions set forth in Section XI-10-15.17 (Notice of Decision), Section XI-10-15.18 (Hearing) and Section XI-10-15.19 (Display of Permit) shall apply to all applications for Special Event Permit amendments.

XI-10-15.21 - Immediate Revocation - Conditions

Any Special Event Permit may be revoked on the day of the Special Event without prior written notice and without a hearing, if the City Council, the City Manager, the Director, the Fire Marshal or the Chief of Police, or their authorized designees, determines that:

1. Revocation is in the interest of the immediate public health or safety because of fire, casualty, act of God or a public emergency; or

2. The Permittee is in violation of the provisions of this Section, the regulations, or the terms of the Special Event Permit.

The grounds for revocation shall be communicated at the time notice is provided. The Permittee, immediately upon receipt of the notification that the Special Event Permit has been revoked, shall cease the activity and shall commence with restoring the Special Event Venue to its condition prior to the activity.

XI-10-15.22 - Interference with Event

A. It shall be unlawful for a person to place any booth, table, chair, stool, structure, vehicle, or piece of equipment in any area for which a Special Event Permit has been issued, without the consent of the Permittee.

B. This Subsection shall not apply to persons acting under the direction and control of the City.

Subsection F of XI-10-24 entitled “Signs” of the Milpitas Municipal Code is amended as follows:

XI-10-24.04 – Signs Subject to Review

F. Standards for Specific Types of Temporary Signs.

1. Balloon Sign. A balloon sign shall be allowed pursuant to the provisions of a temporary promotional sign for the following:

a. Community-wide events (an event that either promotes and/or benefits the entire City and has been approved through the Special Events and Activities process in Section 15, of this Chapter (such as Art and Wine Festival, Harvest Festival and the like) or when the City has authorized a public street closure for an event)."

Table XI-10.57.04-1 of the Milpitas Municipal Code is amended to read as follows:

Table XI-10-57.04-1

Use/Modifications	As provided for in:	Notes
Height		
Height. For buildings that exceed three (3) stories or thirty-five (35) feet within the MP and TC districts.	Table XI-10-7.03-1, Industrial Zone Development Standards and Table XI-10-5.03-1 Commercial Zone Development Standards	
Height. For buildings that exceed six (6) stories or eight-five (85) feet within the -OO overlay district up to a maximum of eight (8) stories or one hundred fifteen (115) feet in height.	Section XI-10-12.02, Gateway Office (-OO) Overlay District	
Height. Permit in R2 and R3 districts, schools, hospitals, sanitariums, institutions, churches and other similar uses allowed under the use regulations of this Chapter, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided, that the front and side yard requirements for such buildings in the "R3" District are complied with.		
Non-conforming		
Nonconforming buildings and structures	Section XI-10-56.02(C), Additions to,—enlargements and—Moving of nonconforming buildings and structures	See footnote 1
Nonconforming uses, change of use	Section XI-10-56.03, Nonconforming use of buildings and structures	
Parking		
Parking location	Section XI-10-53.13(A), Location of Parking	
Tandem parking	Section XI-10-53.07(D), Tandem Parking Spaces and Section XI-10-53.13(B), Parking Space Size	
Parking Structures	Section XI-10-53(H)(4), Parking	

	Structures	
Temporary Uses and Structures		
Temporary buildings and structures	Section XI-10-13.11(H), Temporary Uses and Structures.	
Other		
Certain industrial uses within commercial districts	Table XI-10-5.02-1, Commercial Zone Uses.	
Exceptions to performance standards	See the zoning districts use standards in XI-10-05, Residential Zones, XI-10-06, Mixed Use Zones, and XI-10-07, Industrial Zones.	
Lot width reduction		
Wireless telecommunications facilities	Section XI-10-13.09, Wireless Telecommunications Facilities, of this Chapter, for specific standards and exempted facilities.	

1 In addition, the cumulative floor area included in all such additions or enlargements since the adoption of Ord. No. 38.760 (September 17, 2002) shall not exceed thirty (30%) percent of the floor area contained in said building or structure. Floor area, for the purposes of this Subsection, shall include all habitable space associated with a residential use and shall mean gross floor area associated with any non-residential use. These criteria are established so as not to prolong the life of the original building or structure.

Table XI-10-64.02-1 entitled "Decision-Making Body and Role[1]" of the Milpitas Municipal Code is amended to read as follows:

Table XI-10-64.02-1
Decision-Making Body and Role[1]

Type of Permit or Decision	Procedures are found in:	Planning Division	Planning Commission Subcommittee	Hearing Officer	Planning Commission	City Council
Land Use Permits and other Development Entitlements						
Staff Review[2]		Issuance			Appeal	Appeal
Conditional Use Permits	XI-10-57.04				Decision	Appeal
Development Agreements					Recommend	Decision
Minor Conditional Use Permits (Planning Commission Subcommittee)	XI-10-57.04		Decision		Appeal	Appeal
Minor Conditional Use	XI-10-57.04	Decision			Appeal	Appeal

Permits (Staff Review)						
Minor Site Development Permits (Planning Commission Subcommittee)	XI-10-57.03		Decision		Appeal	Appeal
Minor Site Development Permits (Staff Review)	XI-10-57.03	Decision			Appeal	Appeal
Mobile Home Park Conversion Permit	Title XI, Chapter 20				Recommend	Decision
Planned Unit Development	XI-10-54.07				Recommend	Decision
Site Development Permits	XI-10-57.03				Decision Recommend[3]	Appeal Decision[3]
Special Event Permits	XI-15.03	Decision		Appeal		
Variances	XI-10-57.06				Decision	Appeal
	Zoning Ordinance Administration and Amendments					
General Plan Amendments	XI-10-57.02				Recommend	Decision
Specific Plan Amendments	XI-10-57.02				Recommend	Decision
Zoning Amendments	XI-10-57.02				Recommend	Decision

[1] "Recommend" means that the decision-making body makes a recommendation to a higher decision-making body; "issuance" means that the permit is a ministerial action that is issued by the decision-making body; "decision" means that the decision-making body makes the final decision on the matter; "appeal" means that the decision-making body may consider and decide upon appeals to the decision of an earlier decision-making body. Any decision by the Planning Commission may be appealed to the City Council as specified in Section XI-10-64.05, Appeals and Title I, Chapter 20, of the City's Municipal Code.

[2] Includes Home Occupation Permits (Section XI-10-13.05), Minor Site Development Permits (Section XI-10-57.03) reviews requiring building permits and other reviews by Planning Division staff not requiring a building permit or review by other decision-making bodies. Any appeal shall first be to the Planning Commission. The Planning Commission's decision, in turn, may be appealed to the City Council, whose decision shall be final.

[3] Refer to Section XI-10-45.09 regarding the process for projects within the "H" Hillside Overlay District.

SECTION 4. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 5. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

RESOLUTION NO. _____ *10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CITY COMMISSION BYLAWS TO CHANGE COMMISSIONER ELIGIBILITY

WHEREAS, currently most members of the City Commissions are required under the respective Commission by-laws to be residents of the City of Milpitas; and

WHEREAS, the Milpitas community comprises persons who reside within the boundaries of the City; and

WHEREAS, on June 2, 2009, by Resolution No. 7878, the Milpitas City Council amended requirements for Commission members to allow for those persons living within the Milpitas Unified School District boundaries who may not technically live within the legal boundaries of the municipality of Milpitas to be considered for appointment to City of Milpitas Commissions; and

WHEREAS, the 14 City of Milpitas Commissions serve to advise the elected Mayor and City Council of the City of Milpitas, and primarily consist of residents who do live within the City of Milpitas boundary.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The Council hereby repeals Resolution No. 7878 and directs that the membership requirements of all City of Milpitas Commissions delete the reference underlined below from any and all Commission by-laws which have allowed for membership of a non-City resident who was a resident within the school district boundaries:

   Any resident of Milpitas or resident within the boundaries of the Milpitas Unified School District
   (delete language underlined)

3. This change will be effective upon adoption of this Resolution and would impact and all future appointments of Commissioners and alternate members by the Mayor and City Council.

PASSED AND ADOPTED this ____ day of _____ , 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MILPITAS REGARDING THE AVOID the 13 DUI CAMPAIGN FUNDED BY THE CALIFORNIA OFFICE OF TRAFFIC SAFETY

This Memorandum of Understanding (MOU) related to the Avoid the 13 DUI holiday driving campaign (Avoid the 13) is entered into by and between the County of Santa Clara (COUNTY) and the City of Milpitas (AGENCY).

RECITALS

The COUNTY received grant funding from the California Office of Traffic Safety (OTS) that includes funding for allied law enforcement agencies to reduce alcohol-involved fatalities and injuries, and raise general public awareness regarding the problems associated with drinking and driving by increasing DUI enforcement and conducting intensive media campaigns on a county-wide basis; and

AGENCY is willing to participate in the Avoid the 13 campaign, allocate overtime hours to extra units, participate in forming special teams, conduct enforcement activities, and contribute to all public information elements of the campaign; and

AGENCY is willing to designate the Milpitas Police Department as the entity that will perform all law enforcement activities required in this MOU; and

Milpitas Police Department is willing to participate and fulfill AGENCY's obligations as specified in this MOU, and has voluntarily signed up for the enforcement activities specified in **Attachment A** of this MOU; and

"AGENCY" hereinafter is understood to refer to both the City of Milpitas and the Milpitas Police Department.

Now the parties agree as follows:

1. TERM OF AGREEMENT

Subject to compliance with the terms and conditions of the MOU, the term of this MOU shall be from **October 1, 2015** through **September 30, 2016**.

2. OBLIGATIONS OF COUNTY

2.1 COUNTY will be responsible for managing the Avoid the 13 grant funds.

2.2 COUNTY will set aside a budget for all enforcement activities that AGENCY is scheduled to perform as specified in **Attachment A** of this MOU; and will be

responsible for revising the budget if changes are made to AGENCY's scheduled activities.

2.3 COUNTY shall make every effort to keep AGENCY informed of all OTS programmatic, financial, and statistical requirements by disseminating information through all contact persons provided by AGENCY to the Avoid the 13 Grant Director.

3. OBLIGATIONS OF AGENCY

3.1 AGENCY will make every effort to perform all enforcement activities outlined in Attachment A of this MOU.

3.1.1 If AGENCY is unable to perform a **Saturation Patrol**, AGENCY must either notify the Avoid the 13 Grant Director prior to the start of the enforcement activity or contact another law enforcement agency who can conduct the enforcement activity in its place.

3.1.1.1 AGENCY shall notify the Avoid the 13 Grant Director as soon as possible if another law enforcement agency conducted the enforcement activity in its place.

3.1.1.2 If AGENCY is unable to contact the Grant Director prior to the start of the enforcement activity or find another agency who can conduct the enforcement activity in its place, AGENCY must notify the Grant Director no later than the following day.

3.1.2 AGENCY shall not conduct a **DUI/DL Checkpoint** prior to 1800 hours without the express written approval of OTS and the Grant Director.

3.2 AGENCY shall perform all Avoid the 13 enforcement activities on an overtime basis or as a pay job by a reserve officer.

3.2.1 AGENCY shall only claim reimbursement for base salary overtime rates that shall not exceed $120 per hour or actual pay job rates. AGENCY shall not include benefits, overhead, or other unallowable costs in its reimbursement claim.

3.2.2 If AGENCY allows an officer to opt for comp time instead of getting paid for the overtime, AGENCY must also submit documentation to show that the cost is recognized in AGENCY's general ledger.

3.3 If requested by COUNTY, AGENCY will make every effort to assist in coordinating at least one NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training and/or encourage and support officers to attend the training.

3.4 If conducting a DUI/DL Checkpoint, AGENCY shall ensure that the checkpoint supervisor has attended the "DUI Checkpoints–Planning and Management" 8-hour, POST-certified training.

3.5 AGENCY will make every effort to encourage supervisors and officers to attend the "DUI Checkpoints–Planning and Management" 8-hour, POST-certified training.

3.6 AGENCY shall adhere to the OTS grant programmatic, financial, and statistical reporting requirements in order to qualify for reimbursement.

3.7 AGENCY acknowledges that OTS may revise its programmatic, financial, and/or statistical reporting requirements at any time; and that AGENCY, after being notified by COUNTY, will be required to adhere to those requirements in order to qualify for reimbursement, regardless of whether or not the new reporting requirement is stated in this MOU.

3.8 AGENCY is responsible for submitting all required documentation in a timely manner to the Grant Director in order to qualify for reimbursement.

3.9 AGENCY acknowledges that any equipment purchased using OTS grant funds is the property of OTS and must be labeled as such. Depending on the cost of the equipment, AGENCY may be required to maintain an equipment log and complete an OTS equipment reporting form annually.

The equipment log must include the following information:

a) Date the equipment was received
b) Manufacturer and description
c) Model and year
d) Identification number (Serial#, VIN, ID#, etc.)
e) Location of equipment
f) Total purchase price
g) Total federal funds
h) Current fair market value

4. AGENCY BUDGET

4.1 The budget set aside for AGENCY is based on the type and number of law enforcement activities that AGENCY signed up for during each enforcement period, as specified in **Attachment A** of this MOU.

4.1.1 If AGENCY does not use up its entire budget for a specific enforcement activity or enforcement period, the unused portion will be returned to the grant funding pool and will be re-purposed at the discretion of the Avoid the 13 Grant Director.

4.1.2 If AGENCY fails to conduct a law enforcement activity as scheduled, funding for that law enforcement activity will be returned to the grant funding pool and may be transferred to another law enforcement agency's budget at the discretion of the Avoid the 13 Grant Director.

4.1.3 **Attachment A** of this MOU represents the enforcement activities that AGENCY initially signed up for at the beginning of the grant period. The budget set aside for AGENCY may be revised based on Sub-sections 4.1.1 or 4.1.2 above, or to accommodate mutually agreed upon changes to AGENCY's scheduled law enforcement activities.

4.2 It is AGENCY's responsibility to ensure that costs for an enforcement activity does not exceed the maximum budget allowed.

4.2.1 Each DUI/Drivers License Checkpoint has a maximum budget of **$11,500**.

- If AGENCY is hosting a DUI/DL Checkpoint, AGENCY may use part of the DUI/DL Checkpoint funds to get assistance from other law enforcement agencies. However, it is AGENCY's responsibility to ensure that costs incurred by AGENCY and other law enforcement agencies do not exceed the maximum budget.

4.2.2 Each DUI Saturation Patrol has a maximum budget of **$900**.

- The DUI Saturation Patrol budget is based on approximately 8 hours of overtime, at an overtime salary rate that shall not exceed $120 per hour.
- AGENCY may divide the $900 budget for one Saturation Patrol into any number of Saturation Patrols, as long as the total cost for all Saturation Patrols does not exceed $900. For example, instead of one 8-hour Saturation Patrol, AGENCY may conduct two 4-hour Saturation Patrols at a maximum cost of $450 each. Or AGENCY may conduct three 3-hour Saturation Patrols at a cost of $300 each.

4.2.3 Base salary overtime rates are limited to a maximum of **$120**.

5. TIMELINE FOR SUBMITTING INVOICES

5.1 AGENCY must submit invoices to COUNTY, including all required invoice documentation, immediately after the end of each enforcement period. (Please see **Section 8** of this MOU.)

5.2 AGENCY must submit the final invoice to COUNTY no later than **September 19, 2016**.

5.2.1 It is AGENCY's responsibility to schedule all enforcement activities to ensure that all invoices, including all required invoice documentation, are received by COUNTY in a timely manner.

5.2.2 COUNTY will **not** reimburse AGENCY's enforcement costs if the invoice and all the required invoice documentation are received **after September 19, 2016**.

The deadline may be extended at the discretion of the Grant Director. AGENCY must obtain **written** approval from the Grant Director prior to the submission deadline.

5.2.3 COUNTY will not be responsible for delays in the receipt of reimbursement claims due to mail delivery, messenger services, or any other method of delivery. The responsibility for the timely delivery of reimbursement claims rests with AGENCY.

6. INVOICE REQUIREMENTS

Pursuant to OTS requirements, AGENCY must submit all required documentation in order to receive reimbursement for overtime costs.

6.1 **Saturation Patrol** – AGENCY must submit the following:

a) Invoice
b) Reimbursement Log
c) Overtime Slip
d) Timesheet
e) (See Section 6.8 for Reserve Officers or use of COMP Time)

6.2 **Checkpoint** – AGENCY must submit the following:

a) Invoice
b) Reimbursement Log
c) Overtime Slip
d) Timesheet
e) DUI/DL Checkpoint Roster (Host Agency only.)
f) (See Section 6.8 for Reserve Officers or use of COMP Time)

6.3 **Invoice:** (Please see **Exhibit #1**) The request for reimbursement must be in writing and must be written in AGENCY's letterhead. The invoice must include the following information:

- Invoice date
- Invoice number
- Total amount being claimed
- Enforcement period (Please see Section 8 of this MOU)
- Type of enforcement activity (e.g. saturation patrol, checkpoint, etc.)
- Date of enforcement activity
- Payee name and address
- Attachments included with the invoice
- Statement certifying accuracy of claim and that the amount being claimed does not include benefits, overhead costs, or other unallowable costs.
- Name, signature, phone number, and email address of the person submitting the claim.

6.4 **Reimbursement Log:** (Please see **Exhibit #2**) The log must list all officers who participated in the enforcement activity and must indicate the date, time, total number of hours worked, rate of pay for each officer, and total cost for each officer.

6.4.1 AGENCY must submit a separate Reimbursement Log for Saturation Patrols and Checkpoints. Different enforcement activities cannot be combined in one Reimbursement Log.

6.5 **Overtime Slip:** The overtime slip must indicate the date, time, and total number of hours worked by the officer. The overtime slip must be signed by a supervisor.

6.6 **Timesheet:** The timesheet must cover the pay period in which the overtime was worked to show that the Avoid the 13 enforcement activity was worked as overtime and not during the officer's regular hours. The timesheet must include the following information:

a) All the dates/hours worked by the officer, including regular hours
b) The date/hours worked by the officer for Avoid the 13

6.7 **Checkpoint Roster:** (Please see **Exhibit #3**) The host agency is responsible for ensuring that all officers participating in the checkpoint, including those from other agencies, sign the checkpoint roster.

6.5.1 A reimbursement request for any officer who did not sign the checkpoint roster will not be processed.

6.8 **Other Requirements:**

6.8.1 For Reserve Officers, AGENCY may submit documentation that indicates the Reserve Officer's pay job rate in lieu of a timesheet.

6.8.2 If officer opts for comp time instead of overtime, AGENCY shall submit documentation that the officer's comp time is recognized in AGENCY's general ledger.

6.9 AGENCY shall submit invoices and all required invoice documentation to the following:

a) Liza.Capulong@sheriff.sccgov.org
b) Rebecca.Logan@sheriff.sccgov.org

7. STATISTICAL REPORTING REQUIREMENTS

7.1 Immediately after completion of an enforcement activity, AGENCY shall fill out and submit to County an **Objective Data Points** (ODP) **form** to report all required statistical data.

7.1.1 **Saturation Patrols:** (Please see **Exhibit #4**) Fill out one form for each Saturation Patrol, for each officer (except in 2-man patrol cars). Do not combine different saturation patrols in one form.

7.1.2 **Checkpoints:** (Please see **Exhibit #5**) The host agency is responsible for filling out the ODP form.

7.2 During the Winter, Memorial Day, and Summer enforcement periods, AGENCY shall submit a **Daily Reporting Form** to COUNTY's Public Information Officer by 0700 hours each day on a daily basis, regardless of whether or not the particular enforcement is funded by Avoid the 13 grant funds. (Please see **Exhibit #6**)

8. ENFORCEMENT PERIODS

- Halloween.....October 31, 2015
- NHTSA Winter Mobilization.....December 18, 2015 to January 3, 2016
- Super Bowl.....February 7, 2016
- St. Patrick's Day.....March 17, 2016
- Cinco de Mayo.....May 5, 2016
- Memorial Day Weekend.....May 27–30, 2016
- Independence Day Weekend.....July 1–4, 2016
- NHTSA Summer Mobilization.....August 19, 2016 to September 5, 2016
- Fairs, Festivals, and other Community Events.....To be determined by AGENCY

NOTE: All enforcement activities must be completed by September 5, 2016.

9. Availability of Funds

Payment for all services provided pursuant to this MOU is contingent upon OTS providing funding for the Avoid the 13 enforcement activities. In the event that COUNTY does not receive funding from OTS, COUNTY shall not be liable for any costs incurred by AGENCY in relation to the Avoid the 13 campaign.

10. Liability

AGENCY agrees to indemnify COUNTY and hold it harmless for any loss or damage suffered by COUNTY as a result of AGENCY's negligence or willful misconduct under this MOU.

COUNTY agrees to indemnify AGENCY and hold it harmless for any loss or damage suffered by AGENCY as a result of COUNTY's negligence or willful misconduct under this MOU.

11. Records

11.1 Access: Upon reasonable notice, AGENCY agrees to provide to COUNTY, the Sheriff's Office, any Federal or State department, or any authorized representatives and/or their appropriate audit agencies access to and the right to examine and audit all records and documents necessary to determine compliance with relevant Federal, State and local statues, rules and regulations, and this MOU to evaluate the quality, appropriateness and timeliness of services performed, for a period of at least three (3) years from the termination date of this MOU, or until audit findings are resolved, whichever is greater.

11.2 Retention: COUNTY shall maintain and preserve in its possession all records relating to this MOU for a period of at least three (3) years from the termination date of this MOU, or until audit findings are resolved, whichever is greater.

12. Compliance with Applicable Laws

All services to be performed by COUNTY and AGENCY pursuant to this MOU shall be performed in accordance with all applicable Federal, State, County and Municipal laws,

ordinances and regulations. Proper venue for legal action regarding this MOU shall be in the County of Santa Clara.

13. Waiver

No delay or failure to require performance of any provision of this MOU shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party shall be in writing and shall apply to the specific instance expressly stated.

14. Termination

This MOU may be terminated by COUNTY or AGENCY at any time upon seven (7) days written notice to the other party.

15. Survivability

The rights and obligations set forth in this MOU concerning liability, record access, and record retention shall survive any termination or expiration of this MOU.

16. Counterparts

This Agreement may be executed in one or more counterparts, each of which will be considered an original, but all of which together will constitute one and the same instrument. The parties agree that this Agreement, its amendments, and ancillary agreements to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature must be treated in all respects as having the same effect as an original signature.

17. Amendments

This agreement may only be amended by a written instrument signed by the Parties.

18. Totality of Memorandum of Understanding

This instrument constitutes the entire agreement between COUNTY and AGENCY relative to the subject matter contained in this MOU. COUNTY and AGENCY expressly agree that all prior or contemporaneous oral agreements between and among themselves and their agents or representatives relative to all the subject of this MOU shall be of no force or effect.

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19. MOU Execution

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term "electronically signed contract" means a contract that is executed by applying an electronic signature using technology approved by the County.

FOR COUNTY:

Laurie Smith 10-22-15

Laurie Smith Date
Sheriff

FOR AGENCY:

Steven Pangelinan Date
Chief of Police

APPROVED AS TO FORM AND LEGALITY:

Cheryl A. Stevens
Deputy County Counsel

Attachment A

Please note: This schedule is subject to change and may be updated from time to time, pursuant to Section 4 of this MOU.

SATURATION PATROLS:

HALLOWEEN		
Campbell		$ -
Gilroy		$ -
Los Altos	1	$ 900.00
Los Gatos		$ -
Milpitas		$ -
Morgan Hill		$ -
Mountain View	1	$ 900.00
Palo Alto		$ -
San Jose State		$ -
Santa Clara	1	$ 900.00
Sunnyvale		$ -

WINTER		
Campbell	3	$2,700.00
Gilroy	5	$4,500.00
Los Altos	4	$3,600.00
Los Gatos	1	$ 900.00
Milpitas	4	$3,600.00
Morgan Hill	2	$1,800.00
Mountain View	4	$3,600.00
Palo Alto	5	$4,500.00
San Jose State	2	$1,800.00
Santa Clara	1	$ 900.00
Sunnyvale		$ -

SUPERBOWL		
Campbell		$ -
Gilroy		$ -
Los Altos		$ -
Los Gatos	1	$ 900.00
Milpitas		$ -
Morgan Hill	1	$ 900.00
Mountain View	1	$ 900.00
Palo Alto		$ -
San Jose State		$ -
Santa Clara		$ -
Sunnyvale		$ -

ST. PATRICK'S		
Campbell		$ -
Gilroy		$ -
Los Altos		$ -
Los Gatos		$ -
Milpitas		$ -
Morgan Hill	1	$ 900.00
Mountain View		$ -
Palo Alto	1	$ 900.00
San Jose State		$ -
Santa Clara	1	$ 900.00
Sunnyvale		$ -

CINCO DE MAYO		
Campbell		$ -
Gilroy		$ -
Los Altos	1	$ 900.00
Los Gatos		$ -
Milpitas	1	$ 900.00
Morgan Hill		$ -
Mountain View	1	$ 900.00
Palo Alto	1	$ 900.00
San Jose State		$ -
Santa Clara	1	$ 900.00
Sunnyvale		$ -

MEMORIAL DAY		
Campbell	1	$ 900.00
Gilroy	2	$1,800.00
Los Altos	2	$1,800.00
Los Gatos		$ -
Milpitas	1	$ 900.00
Morgan Hill		$ -
Mountain View	2	$1,800.00
Palo Alto	1	$ 900.00
San Jose State	1	$ 900.00
Santa Clara		$ -
Sunnyvale		$ -

INDEPENDENCE DAY		
Campbell		$ -
Gilroy	2	$1,800.00
Los Altos	2	$1,800.00
Los Gatos		$ -
Milpitas		$ -
Morgan Hill		$ -
Mountain View	2	$1,800.00
Palo Alto	3	$2,700.00
San Jose State		$ -
Santa Clara		$ -
Sunnyvale		$ -

SUMMER/LABOR DAY		
Campbell	1	$ 900.00
Gilroy	8	$7,200.00
Los Altos	4	$3,600.00
Los Gatos	1	$ 900.00
Milpitas	2	$1,800.00
Morgan Hill	2	$1,800.00
Mountain View	6	$5,400.00
Palo Alto	1	$ 900.00
San Jose State	2	$1,800.00
Santa Clara	6	$5,400.00
Sunnyvale		$ -

FAIRS/FESTIVALS/OTHER		
Campbell		$ -
Gilroy		$ -
Los Altos		$ -
Los Gatos	2	$1,800.00
Milpitas		$ -
Morgan Hill		$ -
Mountain View	5	$4,500.00
Palo Alto		$ -
San Jose State	2	$1,800.00
Santa Clara	6	$5,400.00
Sunnyvale		$ -

DUI/DL CHECKPOINTS:

WINTER		
Campbell		$ -
Gilroy		$ -
Los Altos		$ -
Los Gatos		$ -
Milpitas		$ -
Morgan Hill	1	$11,500.00
Mountain View		$ -
Palo Alto		$ -
San Jose State		$ -
Santa Clara		$ -
Sunnyvale		$ -

MEMORIAL		
Campbell		$ -
Gilroy		$ -
Los Altos		$ -
Los Gatos		$ -
Milpitas		$ -
Morgan Hill		$ -
Mountain View		$ -
Palo Alto		$ -
San Jose State		$ -
Santa Clara	1	$11,500.00
Sunnyvale		$ -

SUMMER		
Campbell		$ -
Gilroy		$ -
Los Altos		$ -
Los Gatos		$ -
Milpitas	1	$11,500.00
Morgan Hill		$ -
Mountain View		$ -
Palo Alto		$ -
San Jose State		$ -
Santa Clara		$ -
Sunnyvale		$ -

Exhibit #1

AGENCY LETTERHEAD

INVOICE

Date Submitted: August 1, 2015

Invoice Number: SO-12345

Total Amount Claimed: $11,500

Enforcement Period: Independence Day

Enforcement Date(s): July 4, 2015

Type of Enforcement: DUI/DL Checkpoint

Pay to: XX Police Department

Send Payment To: 123 Washington Street, San Jose, CA 95110

SAMPLE ONLY

Attachments Included:

- ☑ DUI Enforcement Activities Reimbursement Log
- ☑ Overtime Slip(s)
- ☑ Timesheet
- ☑ Checkpoint Roster

This is a request for reimbursement for the enforcement activity noted above. I hereby certify that this reimbursement claim, including all supporting documentation, are true and correct; and that the overtime salary costs being claimed do not include benefits, overhead costs, or other unallowable costs.

Name _____ Signature _____

Phone Number _____ Email _____

Person to contact about invoice (if different from above):

Name _____ Phone Number _____

Exhibit #2

Please submit this form along with your agency's invoice to:
Liza.Capulong@sheriff.sccgov.org and **Rebecca.Logan@sheriff.sccgov.org**

AVOID THE 13 - DUI ENFORCEMENTACTIVITIES
REIMBURSEMENT LOG

AGENCY: _____

DUI ENFORCEMENT ACTIVITY: _____
(Checkpoint, Saturation Patrol, etc. - DO NOT COMBINE)

Date Worked	**Time Worked** (Start and End Time)	**Officer's Name** (Last Name, First Name)	**Rank**	**Overtime Rate**	**# of Hours Worked**	**Cost**

SAMPLE ONLY

Total Amount of Claim: $ -

Exhibit #3

HOST AGENCY: Please submit this form immediately after the Checkpoint to:
Liza.Capulong@sheriff.sccgov.org and Rebecca.Logan@sheriff.sccgov.org

AVOID THE 13
DUI/DL CHECKPOINT ROSTER

Date of DUI/DL Checkpoint: _____
DUI/DL Checkpoint Location: _____
Host Agency: _____

Please have all personnel participating in the Checkpoint sign-in and sign-out in this roster.

Name (Last Name, First Name)	Badge #	Rank	Agency	Start Time	End Time	Signature

SAMPLE ONLY

I hereby certify that the above-named individuals participated in the DUI/DL Checkpoint on the date, location, and hours noted above:

_____ _____
(First Name, Last Name) Badge # Signature

Exhibit #4

Please submit this form immediately after each Saturation Patrol to:
Liza.Capulong@sheriff.sccgov.org and **Rebecca.Logan@sheriff.sccgov.org**

AVOID THE 13 - OBJECTIVE DATA POINTS
for SATURATION PATROL

Please fill out one form for each saturation patrol, for each officer (except in 2-man patrol cars).
Do not combine different saturation patrols in one form.

A. Date of Saturation Patrol (Please list start date only.) _____

B. Start and EndTime of Saturation Patrol _____

C. List name of officer or officers (if 2-man car) who conducted the Saturation Patrol:
_____ _____

D. Number of Vehicle Stops Made _____

E. Number of Field Sobriety Tests Administered _____

F. Number of DUI Arrests **(Alcohol Only)** VC 23152 a, b, d, & VC 23140 _____

G. Number of Drug Arrests **(Drug Only)** VC 23152 e _____

H. Number of DUI Arrests **(Alcohol/Drug Combination)** VC 23152 f _____

I. Number of Drug Arrests **(Possession, Transportation, Sales)** _____

J. Number of Criminal Arrests **(Felony In Custody)** _____

K. Number of Recovered Stolen Vehicles _____

L. Number of Suspended/Revoked Drivers' Licenses _____

M. Number of All Other Arrests/Citations: _____

Agency Name: _____

Reporting Person: _____

Telephone Number: _____

Email: _____

Submission Date: _____

SAMPLE ONLY

Exhibit #5

HOST AGENCY: Please submit this form immediately after the Checkpoint to:
Liza.Capulong@sheriff.sccgov.org and **Rebecca.Logan@sheriff.sccgov.org**

AVOID THE 13 - OBJECTIVE DATA POINTS
for DUI/DL CHECKPOINTS

A. Date of Checkpoint (Please list start date only): _____

B. Location of Checkpoint: _____

C. Number of Vehicles through Checkpoint _____

D. Number of Drivers Contacted at Checkpoint _____

E. Number of Field Sobriety Tests Administered _____

F. Number of DUI Arrests **(Alcohol Only)** VC 23152 a, b, d, and VC 23140 _____

G. Number of Drug Arrests **(Drug Only)** VC 23152 e _____

H. Number of DUI Arrests **(Alcohol/Drug Combination)** VC 23152 f _____

I. Number of Drug Arrests **(Possession, Transportation, Sales)** _____

J. Number of Criminal Arrests **(Felony In Custody)** _____

K. Number of Recovered Stolen Vehicles _____

L. Number of Suspended/Revoked Drivers' Licenses at Checkpoint _____

M. Number of All Other Arrests and Citations at Checkpoint: _____

N. Number of Vehicle Impounds at Checkpoint (30-day Impounds only): _____

Agency Name: _____

Reporting Person: _____

Telephone Number: _____

Email: _____

Submission Date: _____

SAMPLE ONLY

Exhibit #6

Please submit this form every day of the campaign to the Sheriff's Office by 0700 hours each morning to: James.Jensen@sheriff.sccgov.org

Reporting periods are midnight to midnight. The first report is due Saturday morning on MAY 28, 2016.

AVOID THE 13 - MEMORIAL DAY WEEKEND HOLIDAY DUI CRACKDOWN
DAILY REPORTING FORM

0001 hrs Friday, MAY 27, 2016 - to - 2400 hrs Monday, MAY 30, 2016

Agency Name:	
Person Doing Reporting:	
Telephone Number (Direct Line):	
Direct Email Address:	

Reporting Dates / Time	DUI Arrests	Injury DUI TC's	# of Injuries	Fatal DUI TCs	# of Fatalities	DUI Warrant Arrests
START DATE: **Friday, MAY 27, 2016** TIME: **0001 to 2400 hours** DUE BY: Saturday, May 28 at 0700 hrs						
START DATE: **Saturday, MAY 28, 2016** TIME: **0001 to 2400 hours** DUE BY: Sunday, MAY 29 at 0700 hrs						
START DATE: **Sunday, MAY 29, 2016** TIME: **0001 to 2400 hours** DUE BY: Monday, MAY 30 at 0700 hrs						
START DATE: **Monday, MAY 30, 2016** TIME: **0001 to 2400 hours** DUE BY: Tuesday, MAY 31 at 0700 hrs						

SAMPLE ONLY

*11B

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: ☒ Budget Appropriation ☐ Budget Transfer	100-3577	$18,700	100-722-4113	$18,700

Explain the reason for the budget change:

Background:

The County of Santa Clara is administering the 2016 Avoid the 13 grant program that offers grant funds from the California Office of Traffic Safety to reimburse law enforcement agencies for overtime expenditures specifically directed towards Driving Under the Influence (DUI) enforcement. The goals of the program are to apprehend drunk drivers and to reduce the number of people killed or injured in alcohol-related collisions. The City of Milpitas has been approved for a grant of $18,700.00 to conduct DUI saturation patrols and a DUI checkpoint on an overtime basis in conjunction with the countywide Avoid the 13 program between October 1, 2015 and September 30, 2016.

Financial Impact: None – The overtime expenditures will be reimbursed by the grant.

Recommendation:

1) Authorize the Chief of Police to execute the agreement with the County of Santa Clara for the 2016 Avoid the 13 grant program.
2) Approve a budget appropriation in the amount of $18,700 to the Police Department overtime budget as a result of the 2016 Avoid the 13 grant program

☒ **Check if City Council Approval required.**

Itemization of funds, if needed:		Amount
Requested by:	Daryl Sequeira, Police Commander	Date:
Department Head:	Steve Pangelinan, Chief of Police	Date:
Reviewed by:	Finance Director:	Date: 11/6/15
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

Project No: HF&H Consultants, LLC November 17, 2015
Project Name: CIP 3401 Solid Waste Procurement Services

AMENDMENT No. 2 TO AGREEMENT FOR CONSULTATION AND OTHER SERVICES

This Amendment is entered into this 17th day of November, 2015, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and HF&H Consultants LLC., a California Limited Liability Company corporation (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement on December 2, 2014 entitled "Consultant Services Agreement between the City of Milpitas and HF&H Consultants LLC." ("Agreement") for solid waste procurement services in the amount of Fifty-Five Thousand Five Hundred and Twenty-Five Dollars ($55,525.00) with an expiration date of December 1, 2019; and

WHEREAS, the parties entered into an Amendment No. 1 to the Agreement on June 16, 2015, to increase the scope of work and compensation in the additional amount of Forty-Nine Thousand Nine Hundred Twenty-Five Dollars ($49,925.00); and

WHEREAS, the parties desire to increase compensation by One Hundred and Six Thousand and Eight Hundred Dollars ($106,800.00) for a total not to exceed amount of Two Hundred Twelve Thousand Two Hundred and Fifty Dollars ($212,250.00) for additional consultation services.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 2, entitled "Compensation" of the Agreement is amended in its entirety to read as follows:

Section 2. COMPENSATION. City hereby agrees to pay Consultant an amount not to exceed Two Hundred Twelve Thousand Two Hundred and Fifty Dollars ($212,250.00) for all services to be performed and reimbursable costs incurred under this Agreement. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Hourly rates for personnel performing services shall be as shown in Exhibit B. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to

any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated December 2, 2014, between HF&H Consultants LLC, and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

3. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date on page 1.

APPROVED BY:

CITY OF MILPITAS

_____
Thomas C. Williams, City Manager

CONSULTANT

_____
Marva M. Sheehan, Vice President

_____
Steven J. Machida, Director of Engineering

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

EXHIBIT "B"

HF&H CONSULTANTS, LLC

STANDARD HOURLY RATES AND BILLING ARRANGEMENTS
(Effective January 1, 2014)[1]

Professional Fees

Hourly rates for professional and administrative personnel are as follows:

Position	Rate
President	$260
Senior Vice President & Vice President	$225 - $259
Senior Project Manager	$215 - $225
Senior Associate/Project Manager	$170 - $219
Associate Analyst	$130 - $155
Assistant Analyst	$100 - $125
Administrative Staff	$95 - $100

Direct Expenses

Standard charges for common direct expenses are as follows:

Automobile Travel	Prevailing IRS mileage rate
Document Reproduction	15 cents per page (black & white) 75 cents per page (color)
Facsimile	No charge
Telephone	No charge
Public Conveyances	Actual
Postage	Actual
Overnight Mail and Couriers	Actual

Billing Policies

Our policy is to bill for our services and direct expenses based on the standard hourly rates of the staff member assigned, multiplied by the time required to perform the client-related tasks, plus the subcontractor services as described above. In implementing this policy we adhere to the following practices:

- It is our standard practice to e-mail invoices to our clients, although hard copies of invoices can be sent to clients on request.
- We round to the nearest one-half hour (e.g., if two hours and 50 minutes are spent on a task, it is recorded as three hours, if two hours and 10 minutes are spent on a task, it is recorded as two hours). A minimum charge of one-half hour is charged for any client work performed in a day.

[1] Litigation Support and Expert Witness Services are not covered by this schedule of fees and expenses.

- We attempt to schedule travel time before and after normal work hours and we do not bill for this time. If travel occurs during normal work hours and we can use public conveyances, we attempt to use the time productively for the benefit of the client or for another client and this time is billed to the appropriate client. If we must travel during business hours and cannot use the time productively or use a public conveyance, we bill the time to the client on whose behalf we are traveling.
- Because public meetings (e.g., Board of Supervisors, City Council, and Board of Directors meetings) generally occur after business hours and are not conducted in accordance with strict schedules, our standard policy is to bill a minimum two-hour charge.
- We do not mark up out-of-pocket expenses, however, we may charge administrative or professional time related to the provision of the goods and services associated with these charges. Costs for outside consultants and subcontractors are billed at actual cost plus a 15 percent administrative fee.
- Mileage fees are based on the round-trip distance from the point of origin.
- If a client's change to a previously scheduled meeting results in penalties being assessed by a third party (e.g., airline cancellation fee), then the client will bear the cost of these penalties.

While no minimum fee for a consulting engagement has been established, it is unlikely (given the nature of our services) that we can gain an understanding of a client's particular requirement, identify alternatives, and recommend a solution in less than twenty-four hours.

Insurance

We maintain the following policies of insurance with carriers doing business in California:

- Comprehensive General Liability Insurance ($2,000,000)
- Workers' Compensation ($1,000,000)
- Professional Liability Insurance ($2,000,000)
- Hired and Non-Owned Auto Liability ($2,000,000)

All costs incurred in complying with special insurance, licensing, or permit requirements, including but not limited to naming client as an additional insured and waiver of subrogation, become the responsibility of the client and are not included in the fees for services or direct charges but are billed in addition to the contract at cost, plus any professional or administrative fees.

HF&H CONSULTANTS, LLC

STANDARD HOURLY RATES AND BILLING ARRANGEMENTS[1]
(Effective January 1, 2014)

Invoices and Payment for Services

Our time reporting and billing system has certain standard formats that are designed to provide our clients with a detailed invoice of the time and charges associated with their engagement. (We typically discuss these with our clients at our kick-off meeting.) We are also pleased to provide our clients with a custom invoice format but we will have to bill the client for any additional costs associated with their unique requirements.

Billings for professional services and charges are submitted every month, in order that our clients can more closely monitor our services. A late fee of one and one-half percent per month is applied to balances unpaid after thirty (30) days.

HF&H CONSULTANTS, LLC
Managing Tomorrow's Resources Today

201 N. Civic Drive, Suite 230
Walnut Creek, California 94596
Telephone: 925/977-6950
Fax: 925/977-6955
www.hfh-consultants.com

Robert D. Hilton, CMC
John W. Farnkopf, PE
Laith B. Ezzet, CMC
Richard J. Simonson, CMC
Marva M. Sheehan, CPA
Robert C. Hilton, CMC

September 17, 2015

Steven J. Machida, PE
Director of Engineering/City Engineer
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Sent via e-mail: smachida@ci.milpitas.ca.gov

Subject: Fee Estimate for 2nd Amendment to Solid Waste Procurement Services Contract

Dear Mr. Machida,

Thank you for the opportunity to provide our attached proposed fee estimate related to pending tasks for the Competitive Procurement for Solid Waste Services. The fee estimate provides for a total of $88,960 to conduct technical and cost review of the disposal and collection proposals, facilitate the Evaluation Team's scoring of each set of proposals, and to make presentations to the City Council regarding the results of each evaluation. The fee estimate also provides for added costs incurred for several of the tasks covered by Amendment 1 due to a necessary level of effort that exceeded what we had anticipated. As a reminder, the RFP is structured to provide for City recovery of the cost of our services related to managing the competitive process, through payments made by the selected contractor(s).

To date, HF&H has: met three times with the Council to assist it in reaching a decision to conduct a competitive process and to define key policies and programs for the process; made presentations seeking input from the Recycling and Source Reduction Advisory Commission (RSRAC), the Board of the Milpitas Chamber of Commerce, and the broader public; planned and conducted four work sessions with Utilities staff to identify and obtain direction regarding a wide range of issues that need to be addressed during the process; conferred with City Attorney, Finance, and Purchasing staff regarding policy and process issues; contacted a number of potential proposers; developed and released the RFP and two draft agreements; conducted the pre-proposal meeting with potential proposers; and, have released one addendum and are preparing Addendum Two for release.

Procurement processes are, in general, highly dynamic; the unanticipated will occur making it difficult to budget accurately well in advance of conducting the work. While we are hopeful that the proposed Amendment 2 fee estimate will be sufficient for the tasks shown, its accuracy will be a function of the number and nature of the proposals we receive for each set of services and the needs of the Evaluation Team in scoring the proposals. We will better understand the role of these factors after conducting our initial review of the proposals, which are due to be submitted on October 27. While the number of submitted proposals is an important determinant, the effort necessary to conduct our review and assist

the Evaluation Team in its evaluation and scoring will be more a function of the relative cost and strength of the proposals. Thus, HF&H reserves the right (within the total not-to-exceed amount) to allocate budget among tasks and staffing as required by the needs of the work.

The Council-approved process provides for the disposal agreement to be approved and finalized before the Council considers the collection proposals. Thus, one or more tasks will need to be added at a later date (after Task 10) for possible outreach and for negotiating and finalizing the disposal agreement. Similarly, one or more tasks will need to be added after Task 12 for potential outreach, and for negotiating and finalizing the collection agreement.

With regard to our estimate of Amendment 1 services, we provided our best estimate at the time; however, our assumptions were overly optimistic in several areas. First, by coincidence, development of the draft and final RFP and agreements occurred as the City shifted its approach to obtaining legal services, with a resulting delay in receiving legal review of several documents. Second, upon further discussion with City staff, we incorporated much of the City's current collection agreement into the new draft collection agreement. While we believe this was a good decision, we had developed our fee estimate based on an approach that required fewer hours. Finally, we set-up a process to ensure proposer adherence with the Council's Process Integrity Policy. The process has worked well, but we underestimated the administrative effort necessary for the initial set-up.

Following are the project tasks and activities, and their status starting with the beginning of the project and continuing through those proposed for Amendment 2:

Task 1 Evaluate Future Options – Task completed.

Task 2 Policy and Program Development – Task completed.

Task 3 Pre-RFP Release Outreach - Task completed.

Task 4 Development of RFP – Task completed.

Task 5 Development of Agreements - Task completed.

Task 6 Pre-RFP Release Council Meetings – Task completed.

Task 7 RFP Release; Activities During Proposal Development – Task largely completed. This task entails: managing release of the RFP *(completed)*; facilitating a pre-proposal meeting to present the RFP and address proposer questions *(completed)*, and; releasing proposal addenda in response to proposers' written questions *(nearly complete)*.

Task 8 Initial Review of Proposals - HF&H will conduct the initial evaluation of both the collection and disposal proposals to determine if each proposal meets the minimum standards approved by the Council,

such as minimum qualifications, completeness of each proposal, nature of material exceptions to the agreements, and lack of contingent pricing. HF&H will also review the mathematical accuracy and logical consistency of pricing proposals.

Task 9 Evaluation of Disposal Proposals - HF&H will review the proposals, identify and seek any necessary clarifications from proposers, prepare proposal summaries and scoring materials for use by the Evaluation Team, facilitate proposer interviews, and facilitate three meetings with the Evaluation Team to complete its evaluation and scoring.

Task 10 Present Disposal Proposals to Council – HF&H will develop draft and final versions of a Council presentation presenting the results of the disposal proposal evaluation, and will make the presentation to Council.

Task 11 Evaluation of Collection Proposals - HF&H will review the proposals, identify and seek any necessary clarifications from proposers, prepare proposal summaries and scoring materials for use by the Evaluation Team, facilitate proposer interviews, and facilitate three meetings with the Evaluation Team to complete its evaluation and scoring.

Task 12 Present Collection Proposals to Council - HF&H will develop draft and final versions of a Council presentation presenting the results of the collection proposal evaluation, and will make the presentation to Council.

Based on our previous experience with Amendment 1 services and the uncertainty regarding the issues that may arise during the review of proposals, we request an additional 20% contingency to the proposed budget.

There are several additional steps that are needed to complete the Competitive Procurement process. However, we have no clear, detailed understanding at this time of what level of effort will be required and exactly which steps will be required subsequent to presenting each set of proposals to Council. Those final steps are likely to include additional public outreach as well as negotiation of agreements for disposal and collection services with one or more finalists for each service (based on City Council direction), and finalizing the agreements to reflect the negotiations. As we receive direction from City Council at the conclusion of Task 10 and again at Task 12, we will work with City staff to define the necessary scope of work to complete each of the agreements.

* * * *

Thank you for your consideration of the proposed fee estimate. We greatly appreciate the trust you have placed in HF&H to assist the City in conducting this important process. Please contact Rob Hilton at rchilton@hfh-consultants.com or (925) 977-6959; or, Peter Deibler at pdeibler@hfh-consultants.com or (925) 977-6968 if you have any questions regarding the fee estimate.

Very truly yours,
HF&H CONSULTANTS, LLC

Rob C. Hilton, CMC
Vice President

Peter Deibler
Senior Project Manager

Attachment: Fee Estimate

City of Milpitas
S3338 Competitive Procurement Process
2nd Amendment Fee Estimate

		Vice President $235	Senior Manager $225	Senior Associate $170	Associate $135	Assistant $105	Administrative $100	Total Hours	Proposed Cost	Notes	Work Products
Task 1	**Evaluate Future Options**										
	Meet with Council to determine course of action.	0	0	0	0	0	0	0	$0	Task completed under original budget.	Council presentation.
	Task 1	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**		
Task 2	**Policy and Program Development**										
	Preparation for, and faciltiation of four planning meetings with staff, and related coordination on key process and document issues .	0	0	0	0	0	0	0	$0	Task completed under original budget and Amendment 1.	Materials to guide decision making on key policy and program issues, with lists of followup activities.
	Task 2	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**		
Task 3	**Pre-RFP Release Outreach**										
	Three outreach meetings and ongoing communication with interested parties.	0	0	0	0	0	0	0	$0	Task completed under original budget and Amendment 1.	Three presentations; meetings /phone calls with 6 to 8 proposers.
	Task 3	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**		
Task 4	**Development of RFP**										
	Develop draft and final versions of the RFP and cost forms.	0	0	0	0	0	0	0	$0	Task completed under original budget and Amendment 1.	Draft and final versions of the RFP and costs forms.
	Task 4	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**		
Task 5	**Development of Agreements**										
	Develop draft and final versions of two agreements.	2	12	16	0	0	18	48	$7,690	Task largely completed under original budget and Amendment 1.	Template/sample agreements; two sets (collection and disposal) of draft and final agreements for City review.
	Task 5	**2**	**12**	**16**	**0**	**0**	**18**	**48**	**$7,690**		
Task 6	**Pre-RFP Release Council Meetings**										

City of Milpitas
S3338 Competitive Procurement Process
2nd Amendment Fee Estimate

		Vice President $235	Senior Manager $225	Senior Associate $170	Associate $135	Assistant $105	Administrative $100	Total Hours	Proposed Cost	Notes	Work Products
	Prepare for and present materials at two Council meetings. Includes coordination with City staff.	2	4	0	0	0	2	8	$1,570	Task largely completed under original budget and Amendment 1.	Two presentations.
	Task 6	**2**	**4**	**0**	**0**	**0**	**2**	**8**	**$1,570**		
Task 7	**RFP Release; Activities During Proposal Development**										
	RFP Release	0	5	0	0	0	16	21	$2,725	HF&H to set up procurement webpage, finalize proposers release list, upload materials to website, and advertise RFP availability.	Webpage, email communications.
	Pre-Proposal Meeting in Late July	0	0	0	0	0	0	0	$0	HF&H to faciltiate meeting to disucss RFP and process with proposers	Meeting agenda.
	Develop and Distribute Addenda - July through September	2	6	0	0	0	2	10	$2,020	HF&H to develop draft answers to proposer questions for City review, and for release in up to three addenda.	Written answers and draft addenda.
	Task 7	**2**	**11**	**0**	**0**	**0**	**18**	**31**	**$4,745**		
Task 8	**Initial Review of Proposals**										
	Initial HF&H evaluation of both disposal and collection proposals to determine if all minimum standards are met.	1	8	0	10	0	12	31	$4,585	HF&H to perform initial compliance review of proposals and perform mathematical accuracy and logical consistency review of costs.	Conference call with City staff to discuss results of initial review.
	Task 8	**1**	**8**	**0**	**10**	**0**	**12**	**31**	**$4,585**		
Task 9	**Evaluation of Disposal Proposals**										
	HF&H Reviews Disposal Proposals	3	16	6	6	8	2	41	$7,175	HF&H conducts technical and cost evaluation, prepares summary materials for use by Evaluation Team (and later the Council), identifies questions and issues requiring clarification, and contacts proposers for initial clarifications as needed.	Cost evaluation summaries, proposal summaries, documentation of clarifications.
	HF&H Facilitates Evaluation Team Meeting #1 (Initial Review)	5	12	2	2	0	2	23	$4,685	HF&H defines evaluation process, prepares Evaluation Team scoring materials, facilitates 1st meeting (2-3 hours) to discuss the evaluation process and the proposals, discuss which proposers should be invited to interview, and do initial prep for interviews	Evaluation materials, initial interview questions

City of Milpitas
S3338 Competitive Procurement Process
2nd Amendment Fee Estimate

	Vice President $235	Senior Manager $225	Senior Associate $170	Associate $135	Assistant $105	Administrative $100	Total Hours	Proposed Cost	Notes	Work Products
HF&H Facilitates Evaluation Team Meeting #2 (Proposer Interviews)	8	14	0	2	2	0	26	$5,510	HF&H prepares advance written questions for interviewees as well as verbal questions for during interviews, facilitates pre-meeting with Evaluation Team to discuss the agenda and proposer questions, facilitates interviews, follows-up with interviewees post-meeting as needed (assumes interviews occur over one day)	Meeting and interview agenda, questions to proposers for prior to and at the interviews, written follow-up clarifications and questions to proposers.
HF&H Facilitates Evaluation Team Meeting #3 (Complete Scoring)	3	5	0	0	0	0	8	$1,830	HF&H assists Evaluation Team in scoring proposals as provided by the Council-approved process	Compiled scoring detail and summary.
Task 9	**19**	**47**	**8**	**10**	**10**	**4**	**98**	**$19,200**		
Task 10 Present Disposal Proposals to Council										
HF&H Prepares Draft Council Presentation	3	8	0	0	0	2	13	$2,705	HF&H prepares draft presentation summarizing the disposal proposals and the Evaluation Team findings for City staff review	Draft Powerpoint
HF&H Finalizes Presentation; Presents to Council	5	5	0	0	0	1	11	$2,400	HF&H finalizes presentation and makes presentation to Council	Final Powerpoint
Task 7	**8**	**13**	**0**	**0**	**0**	**3**	**24**	**$5,105**		
Task 11 Evaluation of Collection Proposals										
HF&H Reviews Collection Proposals	6	26	16	20	30	2	100	$16,030	HF&H conducts technical and cost evaluation, prepares summary materials for use by Evaluation Team (and later the Council), identifies questions and issues requiring clarification, and contacts proposers for initial clarifications as needed.	Cost evaluation summaries, proposal summaries, documentation of clarifications.
HF&H Facilitates Evaluation Team Meeting #1 (Initial Review)	8	18	6	2	4	2	40	$7,840	HF&H defines evaluation process, prepares Evaluation Team scoring materials, facilitates 1st meeting (4-5 hours) to discuss the evaluation process and the proposals, discuss which proposers should be invited to interview, and do initial prep for interviews	Evaluation materials, initial interview questions

City of Milpitas
S3338 Competitive Procurement Process
2nd Amendment Fee Estimate

	Vice President $235	Senior Manager $225	Senior Associate $170	Associate $135	Assistant $105	Administrative $100	Total Hours	Proposed Cost	Notes	Work Products
HF&H Facilitates Evaluation Team Meeting #2 (Proposer Interviews)	10	24	0	4	4	0	42	$8,710	HF&H prepares advance written questions for interviewees as well as verbal questions for during interviews, facilitates pre-meeting with Evaluation Team to discuss the agenda and proposer questions, facilitates interviews, follows-up with interviewees post-meeting as needed (assumes interviews occur over one day)	Meeting and interview agenda, questions to proposers for prior to and at the interviews, written follow-up clarifications and questions to proposers.
HF&H Facilitates Evaluation Team Meeting #3 (Complete Scoring)	5	8	0	0	0	0	13	$2,975	HF&H assists Evaluation Team in scoring proposals as provided by the Council-approved process	Compiled scoring detail and summary.
Task 11	**29**	**76**	**22**	**26**	**38**	**4**	**195**	**$35,555**		
Task 12 Present Collection Proposals to Council										
HF&H Prepares Draft Council Presentation	6	16	0	2	2	4	30	$5,890	HF&H prepares draft presentation summarizing the collection proposals and the Evaluation Team findings for City staff review	Draft Powerpoint
HF&H Finalizes Presentation; Presents to Council	5	5	0	0	0	2	12	$2,500	HF&H finalizes presentation and makes presentation to Council	Final Powerpoint
Task 12	**11**	**21**	**0**	**2**	**2**	**6**	**42**	**$8,390**		
Engagement Management										
	2	6	0	0	0	0	8	**$1,820**		
Total Costs										
Labor	76	198	46	48	50	67	485	$88,660		
Out-of-Pocket Expenses								$300		
Total Budget								**$88,960**		

City of Milpitas, California

*12B

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:	280-2909	106,800	331-9513401-2-4800	106,800
☒ Budget Appropriation				
☐ Budget Transfer	331-9513401-15-3836	106,800	280-3952	106,800

Explain the reason for the budget change:

Approve Amendment No. 2 to the Consultant Agreement with HF&H Consultants for Solid Waste Procurement Services in the Amount of $106,800 and Approve a Budget Appropriation in the Amount of $106,800 for CIP No. 3401 (Staff Contact: Steven Machida, 408-586-3355)

Background: As the City Council is aware, the City's 30-year solid waste collection and disposal agreements with Republic Services will expire in September 2017. On December 2, 2014, the City entered into an agreement with HF&H Consultants (HF&H) for $55,525 to analyze pros and cons of extending the contract or to issue a Request for Proposal (RFP) to search for a new vendor.

In April 2015, Council selected to pursue the RFP option and Staff proceeded to develop the scope of work and budgets. Since Solid Waste Procurement is a highly dynamic and complex process where the completions of tasks are dependent on the results of preceding tasks, Staff structured the completion of the tasks in the RFP using a phased project and budget approach. Phase 1 was the work that HF&H performed described above and included meetings with staff, preparation of documents, Council briefings, and initiation of the selected option.

Phase 2 of the RFP was approved by Council on June 16, 2015, in the amount of $49,925 which included the subsequent tasks of work involved in developing a list of proposers, completing development of and issuing the RFP including two draft agreements, posting the RFP to a dedicated website, responding to proposer questions, and receiving and conducting an initial review of the proposals. The cost estimate was based upon several assumptions related to these tasks, which included developing and implementing the Integrity Process, preparing and issuing the RFP package, preparing draft collection and disposal agreements, responding to vendor questions, issuing two Addenda, and performing the initial evaluation of proposals. However, some tasks required a larger effort than originally anticipated as described below.

The primary factors affecting the level of effort include:

- Administering the RFP process in conformance with the Integrity Process required significantly more hours than expected.
- Planned to develop the RFP, and the two agreements in parallel; unfortunately had to prepare them in series, due to City staff constraints.
- Planned to use a template for the basis of the two agreements; used the City's current agreement as the basis instead, as there are many unique features that staff desired to retain. This expanded the agreement preparation time.

It is now necessary to approve Phase 3 of the contract which will amend the consultant agreement to include the additional effort as well as to provide new monies for the evaluation of future options and policy and program development. On October 27, 2015, the vendor's proposals were submitted. The next steps include initial screening of proposals to determine responsiveness and then a more thorough review of the proposals which includes both the evaluation of the disposal and collection effort, seek necessary clarification from proposers, prepare proposal summaries and scoring materials, facilitate proposal interviews and facilitate three meetings with the Evaluation Team. Staff has negotiated Phase 3 (contract Amendment No. 2) with HF&H in the amount of $88,960, which is considered reasonable for this work. Of this total, $18,590 is additional funding for the tasks performed to date and $70,370 is for the next phase of work. A detailed letter from the consultant is included in the Council packet. Staff recommends including a contingency of 20% addressing unforeseen needs, which brings the Amendment No. 2 total to $106,800. The total not-to-exceed amount of this agreement is increased to $212,250. A copy of Amendment No. 2 is included in the Council packet. A budget appropriation in the amount of $106,800 is necessary. Staff continues to recommend a phased approach, for the consultant work, as unknowns include the number of and content of proposals that will be submitted, the extent of alternatives/exceptions proposed and Council direction in negotiating agreements with one or more finalist for collection and for disposal.

California Environmental Quality Act: This amendment is not considered a project under CEQA as there will be no direct, or reasonably foreseeable indirect physical change to the environment.

Alternative: If the amendment is not approved, engineering staff will not receive procurement consulting services to complete the RFP process and the City will not have the resources available to make an informed decision when selecting a vendor to best meet the needs of the City.

Fiscal Impact: A budget appropriation of $106,800 from the Solid Waste Fund to CIP No. 3401 is necessary to perform this work.

Recommendations:

1. Approve Amendment No. 2 to the consultant agreement with HF&H Consultants for solid waste procurement services in the amount of $106,800.
2. Approve a budget appropriation in the amount of $106,800 from the Solid Waste Fund to CIP No. 3401.

☒ **Check if City Council Approval required.** **Meeting: November 17, 2015**

Itemization of funds, if needed:		**Amount**
Requested by:	Elizabeth Koo, Administrative Analyst	**Date:**
Department Head:	Steven Machida, Director of Engineering	**Date:**
Reviewed by:	**Finance Director:** W C Kwan	**Date:** 11/10/15
Approved by:	**City Manager:**	**Date:**
Date approved by City Council, if required:	**Confirmed by:**	

FI/24786/V

Form 30-222 (Rev. 1/92)

Control No 2015-___

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

City of Milpitas
455 East Calaveras Blvd
Milpitas CA 95035
Attn: Land Development Engineer

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

APN

AGREEMENT AFFECTING REAL PROPERTY RELATED TO COVENANT AND RESTRICTION OF ON-SITE PRIVATE UTILITIES

This Agreement Affecting Real Property ("Agreement") is entered into and effective _____ by and between Cobblestone Neighborhood Association ("Developer") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS:

A. The City Council adopted Resolution No. 8253 on May 7th, 2013 with Conditions and Approval for the subject development to have on-site private utilities and the Developer is required to ensure that the private utilities shall be operated in a manner to the City's satisfaction for the purposes of compliance with local codes, regional and state requirements.

B. This Agreement is intended to satisfy the aforementioned requirement.

NOW, THEREFORE, in consideration of the recitals and mutual obligations expressed herein, the Parties (City and Developer) agree as follows:

STATEMENT OF AGREEMENT

1. Developer, the owner of the property located at 345 Los Coches Street (the "Project"), agrees to provide on-site private utilities consistent with the requirements of the City, regional and State or other applicable law.

2. The Developer has obtained the approval of the City Council on May 7, 2013 (Resolution 8253) for the Project. The recordation of this Agreement is required for the release of the final map recordation for this development and/or permit issuance for the construction of the Project.

3. The Developer agrees to covenant its property for the terms as stated below. Recordation of this Agreement for covenant and restriction shall be binding.

4. The provisions and conditions of this Agreement shall run with the land for the Project and be enforceable against successors in interest and assigns of the Developer. The requirements of this Agreement shall run with the land and pass with each and every portion of the Project and shall apply to, inure to the benefit of, and bind the respective successor's interest thereof, for the benefit of the developed lots in the Project.

5. The on-site private utilities are not public dedications. It is the Developer's intention that the private utilities are not to be dedicated to the public, nor any portion of the private utilities to be owned, operated, or maintained by the City.

6. This Agreement shall be valid in perpetuity and can only be terminated if replacement utilities system has/have been approved by the City Engineer and written notice of termination of this Agreement has been provided by the City.

7. This Agreement shall be kept in the files of the Milpitas City Engineer and shall be recorded on the titles of the lots in the Project.

8. Although the Developer is obligated to provide the private utilities as provided under this Agreement, in no circumstance shall the City be obligated by this Agreement to remedy such breach. The Parties acknowledge that the City may invoke any remedy provided for in the Milpitas Municipal Code to enforce any code violation against the Developer outside of this Agreement. The Developer acknowledges that the City is a signatory to this Agreement for the sole purpose of ensuring that the private utilities are, at all times in compliance with applicable City, State and federal guidelines, policies, regulations and law.

9. The Parties understand and agree that if for any reason the private utilities installed do/does not meet the requirements as shown on the City of Milpitas Development Guidelines, such installation shall not be in compliance with the City of Milpitas Development Guidelines. By signing this Agreement, the Developer agrees to waive any right to contest enforcement of the City's Milpitas Development Guidelines should this circumstance arise.

10. Title to and the right to use the private utilities and appurtenances upon which such facilities are located will be subservient to the title of the habitable lots in the Project which the private system(s) serves.

11. The Project or portion thereof on which the private utilities and appurtenances are located will not be made subject to any other covenant or contract for use which interferes with the uses of the private utilities provided for herein, without prior written consent of the City; provided, however, that the declaration of covenants, conditions and restrictions that will be recorded against the Project (on a phased basis) may include covenants that are

consistent with this Agreement and impose obligations on the homeowners association formed to manage the Project in satisfaction of this Agreement.

12. This Agreement shall be governed under the laws of California.

13. Neither this Agreement nor any acts of a party hereto shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between or among the parties to this Agreement.

14. The Developer shall defend, hold harmless and indemnify City and its officials, employees, agents, and representatives, from and against any and all claims, suits, demands, liability, loss, costs, damages, and other expenses (including reasonable attorneys' fees and court costs at trial and on appeal) in connection with the loss of life, personal injury and/or damage to property, if arising from or out of any occurrence in or upon the properties mentioned herein and related to the private utilities required herein, other than resulting from the negligence or misconduct of the parties indemnified or third parties not within the reasonable control of Developer.

15. The Developer warrants that it has had full notice and opportunity to examine the drawings, plans and design of the private utilities designed by consultants hired by the Developer before accepting responsibility.

16. The Declarations of Covenants, Conditions, and Restrictions for the Project shall make a reference to this Agreement and shall obligate the homeowners association to comply with the requirements of this Agreement when the ownership of the property that contains the private utility system is transferred to said homeowners association. Notwithstanding anything in this Agreement to the contrary, upon such transfer of property to such homeowners association formed to manage the Project, all rights, title, interest and obligations of the Developer under this Agreement shall be deemed transferred, conveyed and assigned to the homeowners association and shall be deemed assumed by the homeowners association, and the Developer shall be deemed fully released from the same as of the effective of such transfer or assignment.

17. The private utilities for this Development include these systems: water, sanitary sewer, storm drain, street, street lighting, recycled water irrigation system, etc. They are shown in more detail on the approved plans: B-SI13-0015.

18. Work on the private utilities shall be performed by appropriate California licensed contractor.

19. Underground work shall comply with Cal OSHA as it relates to safety of confined space, trenching/shoring and other matters.

20. The private water system is subject to these additional terms and conditions:

A. The Developer shall ensure that a state licensed contractor (C34 or C36) shall perform all necessary work (installation, repair, maintenance and operation) on the private water system in accordance with the appropriate American Water Works Association Standards (such as C600 (ductile iron pipe installation), C605 (polyvinyl chloride pipe installation), C651 (disinfection) and M44 (valves)) similar to a state water operator.

B. The Developer shall not resell the water to its developed lots, only allocate costs accordingly.

C. The Developer acknowledges that the proposed private on-site water system has master meter(s) that the City reads and bills. The Developer accepts and shall pay based on the billing under this condition. There is no adjustment to the bills and the Developer waives any right to contest the bill(s) based on usage type.

D. The Developer also acknowledges that any downstream meters (sub-meters) of the City master meter(s) are not recognized by the City and therefore, no billing by the City shall occur.

E. The property or portion thereof on which the water system and appurtenances are located will not be made subject to any other covenant or contract for use which interferes with the water system uses provided for herein, without prior written consent of the City.

21 The Developer is responsible to designate a Recycled Water Site Supervisor. The duties of the Recycled Water Site Supervisor include but are not limited to meeting all State, South Bay Water Recycling, and City requirements, attending periodic training as necessary, repairing leaks and broken appurtenances, managing the irrigation system to avoid overspray onto hardscape and ponding, submitting required inspection reports, performing periodic cross-connection tests, and re-permitting the site when modifications are performed.

22 The Developer is aware of the sewer backflow devices that may be installed and shall inform all affected parties of the locations. The Developer is responsible to perform routine maintenance of all installed sewer backflow devices to prevent sanitary sewer overflows. In the event a sanitary sewer overflow occurs, the Developer shall take the necessary action to remediate the overflow and properly clean the area.

23 The Developer is responsible for the routine maintenance of the on-site storm drain system and shall prevent discharge of pollutants to the City's storm drain system. The Developer shall comply with all State and City inspection and reporting requirements. The Developer is responsible for costs of periodic City inspections.

24 The installation of utility lines in close proximity to the building is acknowledged by the Developer and this information (record drawings) shall be forwarded to the homeowners association (Sheet 2 of the plans).

25 The storm drain system including pumps, if applicable, with the drainage areas are acknowledged by the Developer and this information (record drawings) shall be forwarded to the homeowners association (Sheet 9 of the plans)

26. Developer shall comply with all applicable local, state and federal guidelines, policies, regulations and law.

IN WITNESS WHEREOF, this Agreement is executed and made effective as of the date first above set forth.

Dated:_____

Cobblestone Neighborhood Association

By: _____

Notary Acknowledgement of Developer is required.

CITY OF MILPITAS, A MUNICIPAL CORPORATION:

Dated: _____

_____,

City Manager

Approved as to form:

_____,

City Attorney

Approved by:

_____

Steven Machida, City Engineer

Placeholder for
ALL PURPOSE ACKNOWLEDGMENT
Use current format
Include for each primary signer

Control No. 2015-0__
Recording Requested by
and when Recorded, return to:

CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035-5479

Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Document Transfer Tax is $ __0__
( ) Computed on full value of property conveyed
( ) Computed on full value less value of liens and encumbrances remaining
City transfer tax is $ ``
APN:

O&M PJ No. _____

STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT
FOR COBBLESTONE, Tract 10221

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this ____th day of _____, 2015 ("Effective Date"), by and between Cobblestone Neighborhood Association ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS

This AGREEMENT is made and entered into with reference to the following facts:

WHEREAS, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and

WHEREAS, on May 7th, 2013, the Milpitas City Council adopted Resolution No. 8253 approving the construction of 28 residential units and associated improvements on an 2.7 acre site at 345 Los Coches Street in Milpitas and more commonly known as Cobblestone, Project No. PJ2792, (the "Project") on the Property; and

WHEREAS, the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), Section XI-16-7 and the conditions of approval for the Project require proper installation, operation and maintenance of Permanent Stormwater Pollution Prevention Measures (BMPs) on the Property as part of the Project; and

WHEREAS, the City has approved the Stormwater Control Operation and Maintenance Plan for the Project attached hereto as **Exhibit B** and fully incorporated herein by reference requiring the Property Owner to properly construct, operate and maintain the BMPs at its sole cost and expense; and

WHEREAS, the Stormwater Control Operation and Maintenance Plan attached hereto as **Exhibit B** may be subsequently modified from time to time with City's written approval and such changes shall be fully incorporated as part of this AGREEMENT by this reference; and

WHEREAS, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and

WHEREAS, this AGREEMENT memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: The Property Owner, at its sole cost and expense, shall make available copies of the approved Stormwater Control Operation and Maintenance Plan (hereinafter the "Plan" which is attached to this AGREEMENT as **Exhibit B**) at the site with the facility or property manager and, at its sole cost and expense, shall maintain the BMPs in good working condition acceptable to the City for the life of the Project, and in compliance with the Ordinance and the approved Plan, and as required by the State Municipal Regional Permit (MRP).

SECTION 2

Inspection by Property Owner: The Property Owner, at its sole cost and expense, shall conduct annual inspections of all permanent installed BMPs per the Plan. The annual inspection report shall include completion of the checklist described in the Plan. The BMPs must be inspected by a qualified independent inspector who is acceptable to the City. The Property Owner shall submit the Inspection Report on these BMPs to the City Engineer no later than July 15th of each year. The Annual Inspection Report submitted shall be accompanied by a nonrefundable processing fee per the City's standard fee schedule.

SECTION 3

Facility Inspection by the City: The Property Owner grants permission to the City, its authorized agents and employees, to enter the Property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the City's Stormwater and Urban Runoff Pollution Control Ordinance, this AGREEMENT, or any other local or state requirements. The City may enter the Property at any reasonable time to inspect the premises and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements. Whenever possible, the City will provide at least twenty-four (24) hours' notice prior to entry. The Property Owner shall create a Private Job Account with the City and deposit Four Thousand Dollars ($4,000.00) for inspection by City Staff pursuant to this Section 3. The deposit of Four Thousand Dollars ($4,000.00) shall be made simultaneously with the execution of this AGREEMENT

and shall be replenished to the initial balance when drawdown reaches Two Thousand Dollars ($2,000.00).

SECTION 4

Failure to Perform Required Facility Repairs or Maintenance by the Property Owner: If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City, with prior notice, may enter the Property to return the BMPs to good working order. The City is under no obligation to maintain or repair the BMPs, and this AGREEMENT may not be construed to impose any such obligation on the City. If the City, under this Section 4 takes any action to return the BMPs to good working order, the Property Owner shall reimburse the City for all the costs and expenses incurred by the City. The City will provide the Property Owner with an itemized invoice of the City's costs and expenses and the Property Owner shall make full payments to the City within thirty (30) days of the date of the invoice. If the Property Owners fails to pay the invoice within thirty (30) days, the City may secure a lien against the real property of the Property Owner in the amount of such costs and expenses. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Successors and Assigns: This AGREEMENT applies to the Property Owner and its successors. This AGREEMENT runs with the land and imposes a continuing obligation on anyone who owns the Property. Upon transfer of the Property, the Property Owner shall provide the new owner with the current Plan and a copy of this AGREEMENT. .

SECTION 6

Indemnity: The Property Owner indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the Property under Section 4. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7

Severability: Invalidation of any one of the provisions of this AGREEMENT shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

SECTION 8

Non-Discrimination: The Property Owner shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of this AGREEMENT.

SECTION 9

Governing Law: City and Property Owner agree that the law governing this AGREEMENT shall be that of the State of California.

SECTION 10

Compliance with Laws: The Property Owner shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments.

SECTION 11 BOOKS AND RECORDS.

A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in anyway relating to the performance of this AGREEMENT for a minimum period of three (3) years, or for any longer period required by law.

B. Any records or documents required to be maintained pursuant to this AGREEMENT shall be made available for inspection or audit at no cost to City, at any time during regular business hours, upon written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's or the Association's address indicated for receipt of notices in this AGREEMENT.

SECTION 12

Notices: All notices and other communications required or permitted to be given under this AGREEMENT shall be in writing and shall be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

To CITY:
City of Milpitas (Utility Engineering)
Attn: Utility Engineer
455 East Calaveras Blvd.
Milpitas, CA 95035

To PROPERTY OWNER:
Cobblestone Neighborhood Association
Attn: Bradley Huff, Community Manager
4305 Hacienda Drive, Suite 140
Pleasanton, CA 94588

:

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the mail.

SECTION 13

Venue: In the event that suit shall be brought by either party to this contract, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

SECTION 14

Interpretation, Prior Agreements: This AGREEMENT, including all Exhibits attached hereto, represents the entire understanding of the parties as to those matters contained herein. In the event that the terms specified in any of the Exhibits attached hereto conflict with any of the terms specified in the body of this AGREEMENT, the terms specified in the body of this AGREEMENT shall control. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This AGREEMENT may be modified only by a written amendment duly executed by the parties to this AGREEMENT.

Cobblestone Neighborhood Association

BY: _____

Name: Bradley Huff, Community Manager
Cobblestone Neighborhood Association
4305 Hacienda Drive, Suite 140
Pleasanton, CA 94588

CITY OF MILPITAS, A MUNICIPAL CORPORATION:

By: _____
City Engineer's recommendation for approval

By: _____
City Attorney as to form

By: _____
City Manager

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On _____, 201__, before me, _____,
Notary Public, personally appeared Bradley Huff, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On _____, 201__, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

On _____, 201__, before me, _____,
Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____

EXHIBIT A
Legal description and Plat Map

REAL PROPERTY SITUATED IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

"Tract No. 10221" filed for record on April 2, 2014, in Book 870 of Maps, at Pages 45 through 49, inclusive, in the Official Records of Santa Clara County, California

TRACT NO. 10221

COBBLESTONE

CONSISTING OF FIVE (5) SHEETS

BEING ALL OF PARCEL 1 AND 2, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK 9635, AT PAGE 506 OF OFFICIAL RECORDS.

DATE: MARCH 2014

Civil Engineering Associates

Civil Engineers • Planners • Surveyors
224 Airport Parkway, Suite 525
San Jose, CA 95110

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN HEREON; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT WE HEREBY CONSENT TO THE MAKING AND RECORDING OF THIS SUBDIVISION MAP AS SHOWN WITHIN THE DISTINCTIVE BOUNDARY LINE.

WE HEREBY OFFER FOR DEDICATION TO CITY OF MILPITAS FOR PUBLIC USE FOR OPERATION, ALTERATION, RELOCATION, MAINTENANCE, REPAIR AND REPLACEMENT OF ALL PUBLIC SERVICE FACILITIES AND THEIR APPURTENANCES, OVER, UNDER, ALONG AND ACROSS THE FOLLOWING:

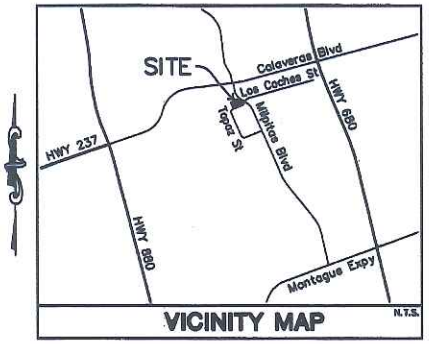
1. LOT K FOR STREET AND PUBLIC UTILITY PURPOSES.
2. EASEMENT 'A' FOR PUBLIC SERVICE AND UTILITY PURPOSES (P.S.U.E.).
3. EASEMENT 'B' FOR PUBLIC SERVICE, UTILITY AND SIDEWALK PURPOSES (P.S.U.S.E.).
4. EASEMENT 'C' FOR EMERGENCY VEHICLE ACCESS PURPOSES (E.A.E.).
5. EASEMENT 'D' FOR PUBLIC ACCESS PURPOSES (P.A.E.).

THE ABOVE MENTIONED EASEMENTS (P.S.U.E., P.S.U.S.E., E.A.E. AND P.A.E.) SHALL REMAIN OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE AND PUBLIC UTILITY STRUCTURES AND THEIR APPURTENANCES, IRRIGATION SYSTEMS AND THEIR APPURTENANCES AND LAWFUL FENCES. UNOBSTRUCTED CONTINUOUS ACCESS SHALL BE MAINTAINED AT ALL TIMES.

WE ALSO HEREBY RETAIN FOR THE PRIVATE USE OF THE LOT OWNERS WITHIN THIS SUBDIVISION, THEIR LICENSES, VISITORS AND TENANTS WITH MAINTENANCE THEREOF BY THEIR HOMEOWNERS ASSOCIATION THE FOLLOWING:

1. LOT A FOR PRIVATE STREET PURPOSES.
2. LOTS B THROUGH H AND J FOR PRIVATE OPEN SPACES PURPOSES (O.S.).
3. EASEMENT 'E' – "PRIVATE SIDE YARD EASEMENT" (P.S.Y.E.) FOR THE EXCLUSIVE USE OF THE LOTS AS NOTED ON SHEETS 4 AND 5, AS SHOWN ON THIS MAP AND AS SPECIFIED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR TRACT 10221. ALL PRIVATE SIDE YARD EASEMENTS SHOWN HEREIN ARE CONTROLLED BY THE DIMENSIONS AS SHOWN. IN CASES OF MINOR DISCREPANCIES THE EASEMENT IS FURTHER CONTROLLED BY THE LOCATION OF THE ORIGINALLY CONSTRUCTED APPROVED STRUCTURE (HOUSE), ITS APPURTENANCES AND FENCES.

THE DESIGNATED PRIVATE STREETS ON THIS MAP ARE NOT PART OF THE CITY OF MILPITAS STREET SYSTEM AND ARE NOT ACCEPTED FOR PUBLIC MAINTENANCE.



VICINITY MAP

OWNER

TRI POINTE HOMES, INC., A DELAWARE CORPORATION

BY: _____

NAME: William C. Sadler

TITLE: Vice President

TRUSTEE

FIRST AMERICAN TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION

BY: _____

NAME: NANCY TARR

TITLE: VICE PRESIDENT

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF Contra Costa }

ON March 18, 2014 BEFORE ME, Tiffany Grubbs A

NOTARY PUBLIC, PERSONALLY APPEARED William C. Sadler
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME, NOTARY PUBLIC Tiffany Grubbs
IN AND FOR SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS: Contra Costa

COMMISSION # OF NOTARY: 2040069

COMMISSION EXPIRES: Sep. 1, 2017

TRUSTEE'S ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF Santa Clara }

ON March 19, 2014 BEFORE ME, Lynn McFarland A

NOTARY PUBLIC, PERSONALLY APPEARED Nancy Tarr
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME, NOTARY PUBLIC Lynn McFarland
IN AND FOR SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS: Santa Clara

COMMISSION # OF NOTARY: 1921022

COMMISSION EXPIRES: 1-8-15

CIVIL ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF TRIPOINTE HOMES ON JUNE 12, 2013. I HEREBY STATE THAT THIS FINAL MAP COMPLIES WITH FINAL MAP PROCEDURES OF THE CITY OF MILPITAS AND THAT THIS FINAL MAP CONFORMS TO THE APPROVED TENTATIVE MAP AND CONDITIONS OF APPROVAL THEREOF WHICH WERE REQUIRED TO BE FULFILLED PRIOR TO THE FILING OF THE FINAL MAP, AND IT IS TECHNICALLY CORRECT. I HEREBY STATE THAT THE MONUMENTS WILL OCCUPY THE POSITIONS INDICATED BY MARCH 2016, AND ARE OF THE CHARACTER INDICATED, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED.

BY: Peter B. McMorrow
PETER B. McMORROW
RCE NO. 31954 EXP. 12-31-14

REGISTERED PROFESSIONAL ENGINEER PETER B. McMORROW No. 31954 Exp. 12-31-14 CIVIL STATE OF CALIFORNIA

DATE: 3-17-2014

RECORDER'S STATEMENT

FILE NO. _____ FEE $_____ PAID. ACCEPTED FOR RECORD AND FILED

IN BOOK _____ OF MAPS AT PAGES _____ SANTA CLARA COUNTY RECORDS,

THIS _____ DAY OF _____, 20__, AT _____ M. AT THE REQUEST OF CIVIL ENGINEERING ASSOCIATES.

REGINA ALCOMENDRAS, COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

BY: _____
DEPUTY

TRACT NO. 10221

COBBLESTONE

CONSISTING OF FIVE (5) SHEETS

BEING ALL OF PARCEL 1 AND 2, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK G835, AT PAGE 506 OF OFFICIAL RECORDS.

DATE: MARCH 2014

Civil Engineering Associates
Civil Engineers • Planners • Surveyors
224 Airport Parkway, Suite 525
San Jose, CA 95110

CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP; THAT THE SUBDIVISION AS SHOWN THERIN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT THIS SUBDIVISION COMPLIES WITH PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

BY: _____ DATE: 3/18/14

JEFF MONEDA, P.E.
CITY ENGINEER, CITY OF MILPITAS
RCE NO. 60944 EXP. 12-31-14

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

BY: _____ DATE: 3/21/14

ROBERT GULETZ, P.E., HARRIS & ASSOCIATES
ACTING CITY SURVEYOR, CITY OF MILPITAS
RCE NO. 24184 EXP. 12-31-15

REGISTERED PROFESSIONAL ENGINEER ROBERT B. GULETZ 24184 EXP 12-31-15 CIVIL STATE OF CALIFORNIA

ABANDONMENT STATEMENT

PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT, THE FILING OF THIS MAP SHALL CONSTITUTE ABANDONMENT OF THE FOLLOWING:

EXISTING EASEMENT FOR PUBLIC SERVICE FACILITIES, INCLUDING SIDEWALKS, POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, WATER MAINS, PUBLIC UTILITIES AND APPURTENANCES AND INCIDENTAL PURPOSES, RECORDED APRIL 28, 1978 AS BOOK D631, PAGE 603 OF OFFICIAL RECORDS.

EXISTING EASEMENT FOR PUBLIC SERVICE, UTILITY, PLANTING AND INCIDENTAL PURPOSES AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK G835, AT PAGE 506 OF OFFICIAL RECORDS.

ALL OTHER PUBLIC STREETS AND EASEMENTS NOT SPECIFICALLY LISTED HEREON FOR ABANDONMENT ARE RETAINED FOR PUBLIC USE.

CITY CLERK'S CERTIFICATE

I, MARY LAVELLE, CITY CLERK OF THE CITY OF MILPITAS, CALIFORNIA, HEREBY CERTIFY THAT SAID CITY COUNCIL, AS GOVERNING BODY OF SAID CITY AT A REGULAR MEETING HELD ON March 18, 2014, HAS TAKEN THE FOLLOWING ACTIONS:

1. APPROVED THIS TRACT MAP NO. 10221.
2. FOR ASSESSMENT DISTRICTS CREATED BY THIS GOVERNING BODY, THE COUNCIL HAS DETERMINED THAT PROVISION HAS BEEN MADE FOR SEGREGATION OF THE RESPONSIBILITY OF EACH OF THE PROPOSED NEW PARCELS FOR A PORTION OF THE ASSESSMENT PAYMENT OBLIGATION IN THE MANNER PROVIDED IN THE STATUTE PURSUANT TO WHICH THE ASSESSMENTS WERE LEVIED OR TO WHICH THE BONDS WERE ISSUED: LOCAL IMPROVEMENT DISTRICT NO. 7.
3. ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC THOSE PARCELS OF LAND OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF OFFER OF DEDICATION TO WIT:

1. LOT K FOR STREET AND PUBLIC UTILITY PURPOSES.
2. EASEMENT 'A' FOR PUBLIC SERVICE AND UTILITY PURPOSES (P.S.U.E.).
3. EASEMENT 'B' FOR PUBLIC SERVICE, UTILITY AND SIDEWALK PURPOSES (P.S.U.S.E.).
4. EASEMENT 'C' FOR EMERGENCY VEHICLE ACCESS PURPOSES (E.A.E.).
5. EASEMENT 'D' FOR PUBLIC ACCESS PURPOSES (P.A.E.).

PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT, THE FILING OF THIS MAP SHALL CONSTITUTE ABANDONMENT OF THE FOLLOWING:

EXISTING EASEMENT FOR PUBLIC SERVICE FACILITIES, INCLUDING SIDEWALKS, POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, WATER MAINS, PUBLIC UTILITIES AND APPURTENANCES AND INCIDENTAL PURPOSES, RECORDED APRIL 28, 1978 AS BOOK D631, PAGE 603 OF OFFICIAL RECORDS.

EXISTING EASEMENT FOR PUBLIC SERVICE, UTILITY, PLANTING AND INCIDENTAL PURPOSES AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK G835, AT PAGE 506 OF OFFICIAL RECORDS.

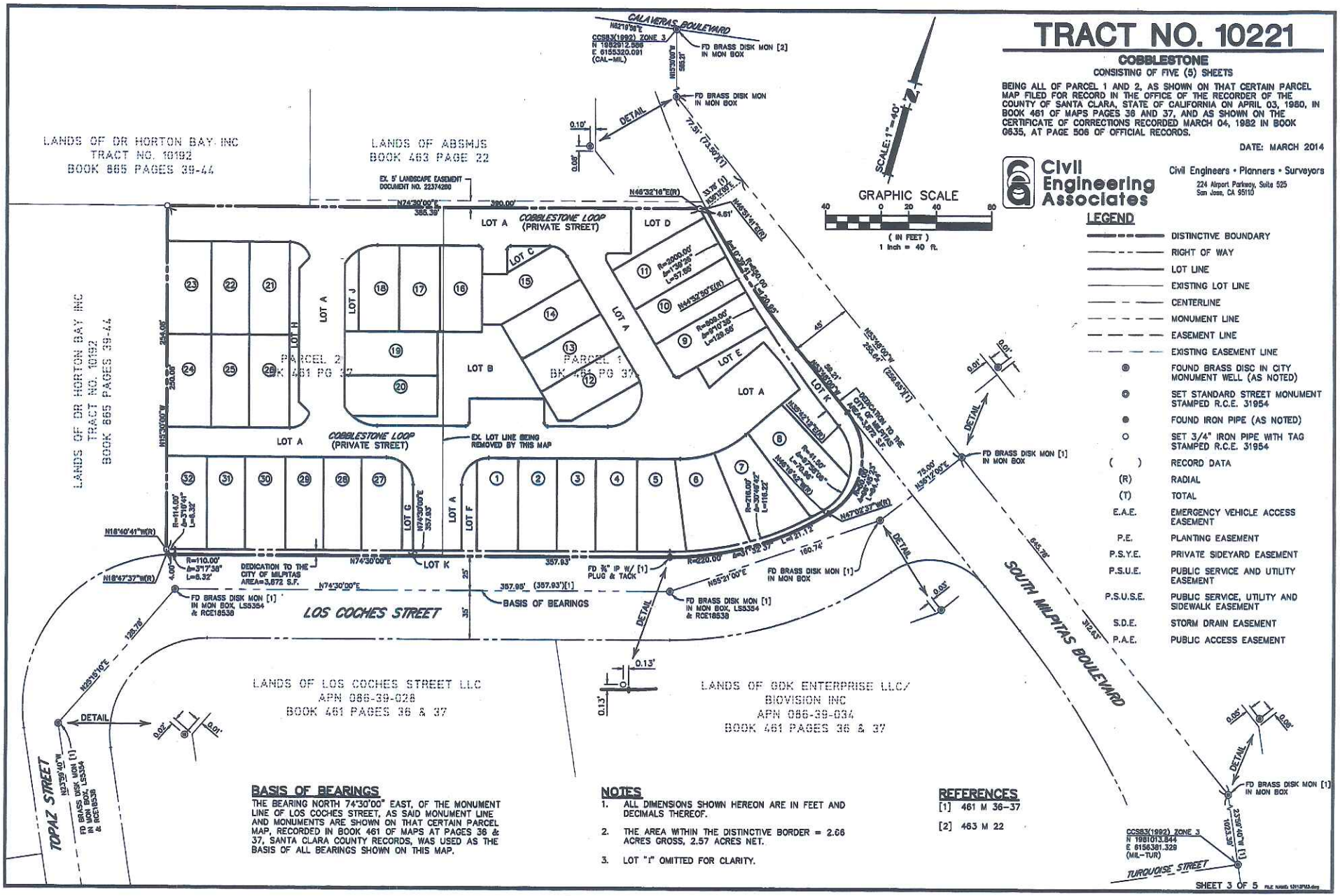
ALL OTHER PUBLIC STREETS AND EASEMENTS NOT SPECIFICALLY LISTED HEREON FOR ABANDONMENT ARE RETAINED FOR PUBLIC USE.

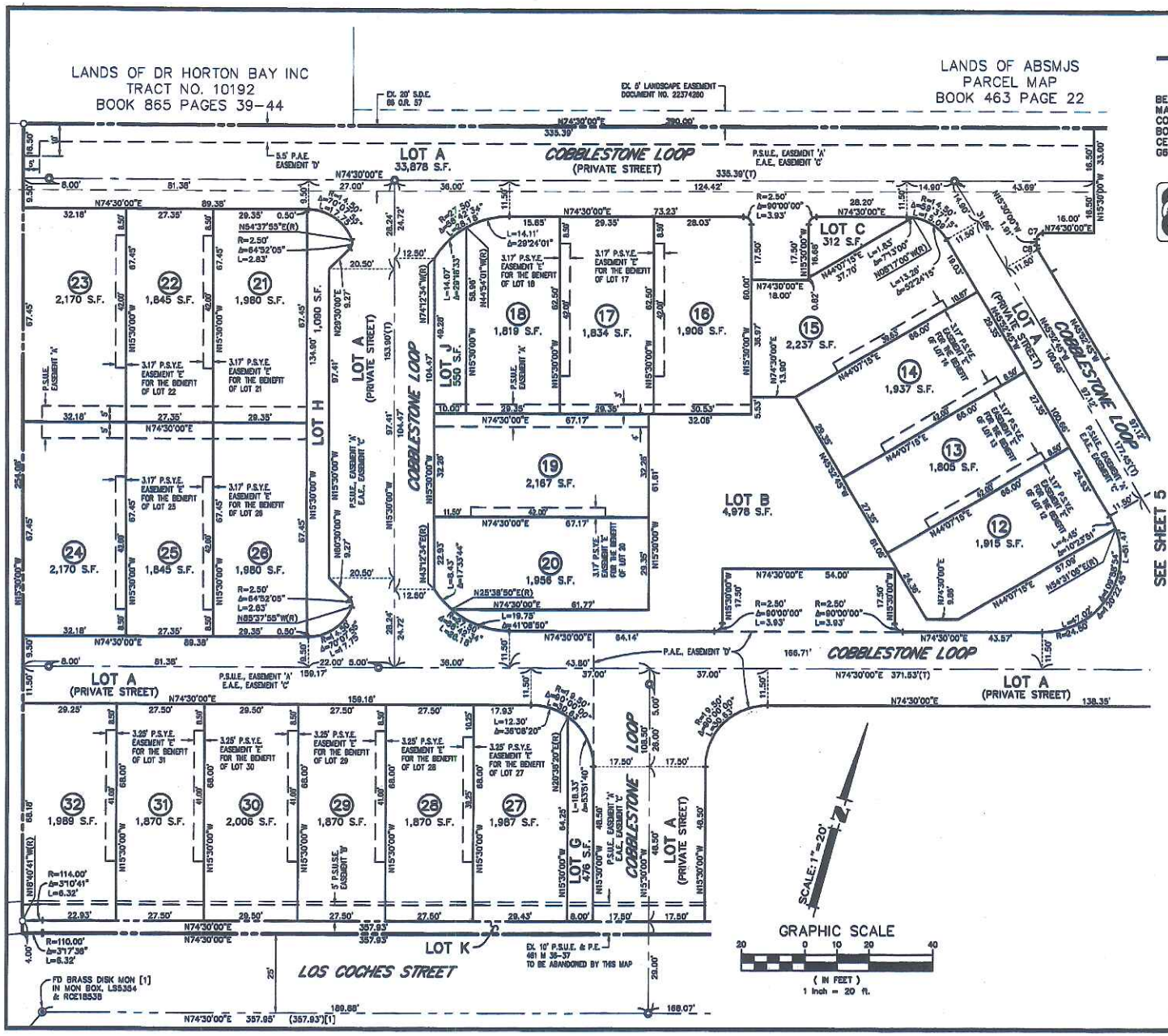
THE DESIGNATED PRIVATE STREETS ON THIS MAP ARE NOT PART OF THE CITY OF MILPITAS STREET SYSTEM AND ARE NOT ACCEPTED FOR PUBLIC MAINTENANCE.

BY: Mary Lavelle DATE: 3/31/2014

MARY LAVELLE
CITY CLERK, CITY OF MILPITAS

CITY OF MILPITAS SEAL


TRACT NO. 10221
COBBLESTONE
CONSISTING OF FIVE (5) SHEETS
BEING ALL OF PARCEL 1 AND 2, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK G635, AT PAGE 506 OF OFFICIAL RECORDS.
DATE: MARCH 2014
Civil Engineering Associates
Civil Engineers • Planners • Surveyors
224 Airport Parkway, Suite 525
San Jose, CA 95110
SCALE: 1" = 40'
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.
LEGEND
DISTINCTIVE BOUNDARY
RIGHT OF WAY
LOT LINE
EXISTING LOT LINE
CENTERLINE
MONUMENT LINE
EASEMENT LINE
EXISTING EASEMENT LINE
FOUND BRASS DISC IN CITY MONUMENT WELL (AS NOTED)
SET STANDARD STREET MONUMENT STAMPED R.C.E. 31954
FOUND IRON PIPE (AS NOTED)
SET 3/4" IRON PIPE WITH TAG STAMPED R.C.E. 31954
( ) RECORD DATA
(R) RADIAL
(T) TOTAL
E.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
P.E. PLANTING EASEMENT
P.S.Y.E. PRIVATE SIDEYARD EASEMENT
P.S.U.E. PUBLIC SERVICE AND UTILITY EASEMENT
P.S.U.S.E. PUBLIC SERVICE, UTILITY AND SIDEWALK EASEMENT
S.D.E. STORM DRAIN EASEMENT
P.A.E. PUBLIC ACCESS EASEMENT
CALAVERAS BOULEVARD
FD BRASS DISK MON [2] IN MON BOX
LANDS OF DR HORTON BAY INC TRACT NO. 10192 BOOK 865 PAGES 39-44
LANDS OF ABSMJS BOOK 463 PAGE 22
COBBLESTONE LOOP (PRIVATE STREET)
PARCEL 2 BK 461 PG 37
PARCEL 1 BK 461 PG 37
EX. LOT LINE BEING REMOVED BY THIS MAP
DEDICATION TO THE CITY OF MILPITAS AREA=3,672 S.F.
LOS COCHES STREET
BASIS OF BEARINGS
SOUTH MILPITAS BOULEVARD
TOPAZ STREET
TURQUOISE STREET
LANDS OF LOS COCHES STREET LLC APN 086-39-028 BOOK 461 PAGES 36 & 37
LANDS OF GDK ENTERPRISE LLC/ BIOVISION INC APN 086-39-034 BOOK 461 PAGES 36 & 37
BASIS OF BEARINGS
THE BEARING NORTH 74°30'00" EAST, OF THE MONUMENT LINE OF LOS COCHES STREET, AS SAID MONUMENT LINE AND MONUMENTS ARE SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN BOOK 461 OF MAPS AT PAGES 36 & 37, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.
NOTES
1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER = 2.66 ACRES GROSS, 2.57 ACRES NET.
3. LOT "I" OMITTED FOR CLARITY.
REFERENCES
[1] 461 M 36-37
[2] 463 M 22
SHEET 3 OF 5



TRACT NO. 10221

COBBLESTONE

CONSISTING OF FIVE (5) SHEETS

BEING ALL OF PARCEL 1 AND 2, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK G635, AT PAGE 506 OF OFFICIAL RECORDS.

DATE: MARCH 2014

Civil Engineering Associates
Civil Engineers • Planners • Surveyors
224 Airport Parkway, Suite 525
San Jose, CA 95110

LEGEND

———	DISTINCTIVE BOUNDARY
———	RIGHT OF WAY
———	LOT LINE
———	EXISTING LOT LINE
— — —	CENTERLINE
— — —	MONUMENT LINE
— — —	EASEMENT LINE
— — —	EXISTING EASEMENT LINE
◉	FOUND BRASS DISC IN CITY MONUMENT WELL (AS NOTED)
⊙	SET STANDARD STREET MONUMENT STAMPED R.C.E. 31954
●	FOUND IRON PIPE (AS NOTED)
○	SET 3/4" IRON PIPE WITH TAG STAMPED R.C.E. 31954
( )	RECORD DATA
(R)	RADIAL
(T)	TOTAL
E.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
P.E.	PLANTING EASEMENT
P.S.Y.E.	PRIVATE SIDEYARD EASEMENT
P.S.U.E.	PUBLIC SERVICE AND UTILITY EASEMENT
P.S.U.S.E.	PUBLIC SERVICE, UTILITY AND SIDEWALK EASEMENT
S.D.E.	STORM DRAIN EASEMENT
P.A.E.	PUBLIC ACCESS EASEMENT

BASIS OF BEARINGS

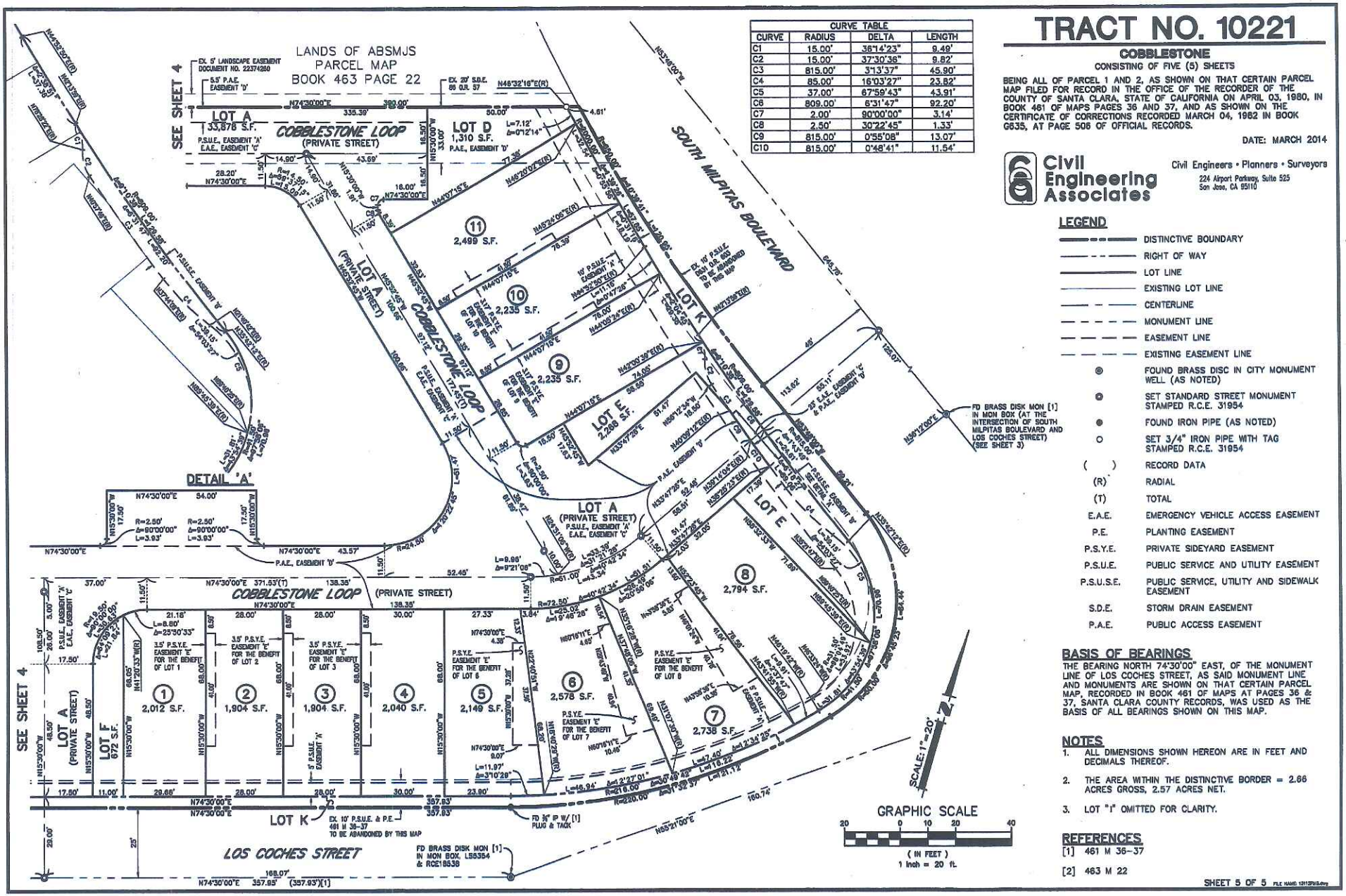
THE BEARING NORTH 74°30'00" EAST, OF THE MONUMENT LINE OF LOS COCHES STREET, AS SAID MONUMENT LINE AND MONUMENTS ARE SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN BOOK 461 OF MAPS AT PAGES 36 & 37, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.

NOTES

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER = 2.66 ACRES GROSS, 2.57 ACRES NET.
3. LOT "I" OMITTED FOR CLARITY.

REFERENCES

[1] 461 M 36–37
[2] 463 M 22



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	15.00'	36°14'23"	9.49'
C2	15.00'	37°30'36"	9.82'
C3	815.00'	3°13'37"	45.90'
C4	85.00'	16°03'27"	23.82'
C5	37.00'	67°59'43"	43.91'
C6	809.00'	6°31'47"	92.20'
C7	2.00'	90°00'00"	3.14'
C8	2.50'	30°22'45"	1.33'
C9	815.00'	0°55'08"	13.07'
C10	815.00'	0°48'41"	11.54'

TRACT NO. 10221

COBBLESTONE

CONSISTING OF FIVE (5) SHEETS

BEING ALL OF PARCEL 1 AND 2, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 03, 1980, IN BOOK 461 OF MAPS PAGES 36 AND 37, AND AS SHOWN ON THE CERTIFICATE OF CORRECTIONS RECORDED MARCH 04, 1982 IN BOOK G635, AT PAGE 508 OF OFFICIAL RECORDS.

DATE: MARCH 2014

Civil Engineering Associates

Civil Engineers • Planners • Surveyors

224 Airport Parkway, Suite 525
San Jose, CA 95110

LEGEND

- DISTINCTIVE BOUNDARY
- RIGHT OF WAY
- LOT LINE
- EXISTING LOT LINE
- CENTERLINE
- MONUMENT LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- FOUND BRASS DISC IN CITY MONUMENT WELL (AS NOTED)
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- ( ) RECORD DATA
- (R) RADIAL
- (T) TOTAL
- E.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.E. PLANTING EASEMENT
- P.S.Y.E. PRIVATE SIDEYARD EASEMENT
- P.S.U.E. PUBLIC SERVICE AND UTILITY EASEMENT
- P.S.U.S.E. PUBLIC SERVICE, UTILITY AND SIDEWALK EASEMENT
- S.D.E. STORM DRAIN EASEMENT
- P.A.E. PUBLIC ACCESS EASEMENT

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3. LOT "I" OMITTED FOR CLARITY.

REFERENCES

[1] 461 M 36-37

[2] 463 M 22

EXHIBIT B
Stormwater Control Operation and Maintenance Plan

Storm Water Control Plan Report

COBBLESTONE

TRACT 10221
375 LOS COCHES STREET
MILPITAS, CA

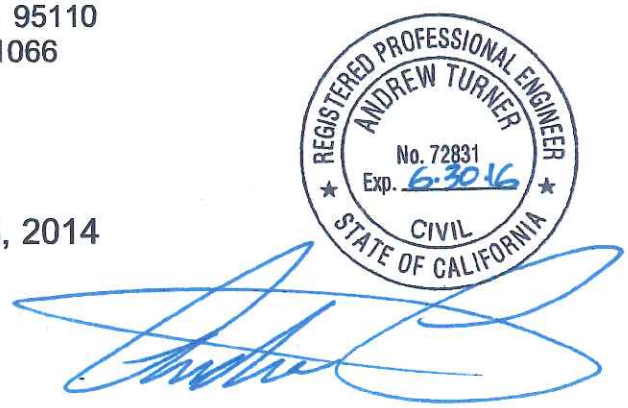
CEA Project No. 13-113

Prepared For:

Tri-Pointe Homes
2010 Crow Canyon Place, Suite 380
San Ramon, CA 94583
(925) 804-2230

Prepared By:
Andrew Turner
Civil Engineering Associates, Inc.
224 Airport Parkway, Suite 525
San Jose, CA 95110
(408) 453-1066

December 3, 2014



COBBLESTONE
TRACT 10221
Milpitas, CA

STORM WATER CONTROL PLAN REPORT
MARCH 2014

TABLE OF CONTENTS PAGE

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   - Site information
   - Project information
   - Pervious/Impervious Site Coverage
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3. **HMP Applicability** 6
4. **BMP Selection** 6
   - BMP Description
   - Pollutants of Concern
   - BMP Sizing Criteria
   - Source Control Measures
5. **Infiltration** 8
6. **Stormwater Operation & Maintenance** 8
7. **Project Certifications** 10
8. **Summary** 10

REFERENCES

Provision C.3 of the San Francisco Bay Area Municipal Regional Stormwater Permit (MRP), Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook and the California Stormwater Quality Association Stormwater Best Management Practice Handbook.

APPENDICES:

A. C3 Data Form
B. Infiltration/Harvesting Infeasibility Worksheet
C. Special Projects Worksheet (if applicable)
D. Soil Properties
F. BMP Sizing Calculations
G. Site Plan
H. Details for Treatment Measures
I. Operations and Maintenance Plan Exhibits
J. 3rd Party Certification
K. Hydromodification (HMP) Applicability Map

1. PROJECT DESCRIPTION

➢ Site Information – **TRACT 10221 - COBBLESTONE**

Developer: **TRI POINTE HOMES**
2010 Crow Canyon Place – Suite 380
San Ramon, CA 94583 / (925) 804-2230
Bill Sadler – Vice President

Project Address: 375 Los Coches Street
Milpitas, California
A.P.N. 086-39-001 & 002
Latitude / Longitude: 37° 25' 48" N, 121° 53' 56" W

➢ Project Information

This project consists of approximately 2.66 Gross Acres. It will be dedicating approximately 0.09 Acres, resulting is a Net project site area of approximately 2.57 Acres. Located at the western corner of South Milpitas Boulevard and Los Coches Street, the project consists of 28 proposed single family detached residential units and 4 detached combined Live/Work units. The project's entitlement was approved by the Milpitas City Council on November 15, 2013.

The surfaces of the onsite project area of 2.57 Acres will consist of new buildings, AC paved private streets, concrete walkways, decorative crosswalks, residential courtyards and landscaping.

Pervious/Impervious Site Coverage (See Site Coverage table below):

Existing Gross Project Area Conditions:

- 36.48% Impervious surfaces (commercial building, AC pavement and sidewalks) consisting of 42,189 SF
- 63.52% pervious surfaces (open space and landscaping) consisting of 73,465 SF

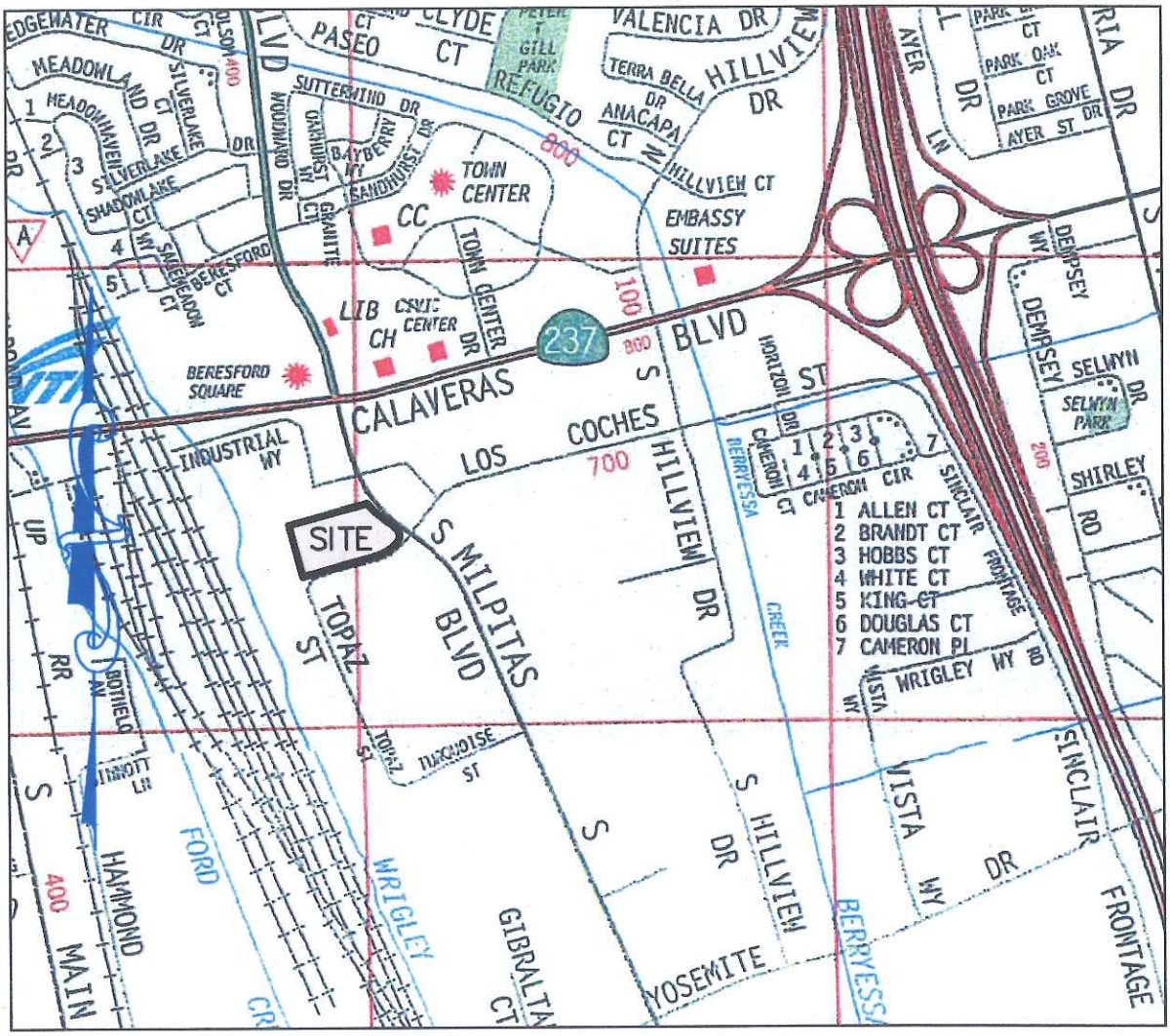
Proposed Net Project Area Conditions:

- 72.96% Impervious surfaces (new residential buildings, private courtyards, AC pavement and concrete walkways) consisting of 81,559 SF
- 27.04% pervious surfaces (landscaping) consisting of 30,223 SF

Table 1. Proposed Site Surface Coverage Areas

Proposed Site Coverage		
Area	**Square Feet**	**Site Coverage**
IMPERVIOUS SURFACES		
Residential Building	38,751	0.89 Ac
Asphalt Streets/ Parking	31,618	0.72 Ac
Walkways	9,163	0.21 Ac
Driveways	2,027	0.05 Ac
TOTAL IMPERVIOUS SURFACES	**81,559**	**1.87 Ac**
PERVIOUS SURFACES		
Permeable Play Surfaces	1,130	0.03 Ac
Onsite Landscaping/Open Space	26,823	0.62 Ac
Treatment Basins	2,270	0.05 Ac
TOTAL PERVIOUS SURFACES	**30,223**	**0.70 Ac**

2. VICINITY MAP



375 Los Coches Street
Milpitas, California

3. HYDROMODIFICATION MANAGEMENT PLAN (HMP) APPLICABILITY

Based on the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Hydromodification Management Applicability map, the project site is located within the zone for "Catchments and Subwatersheds greater than or equal to 65% Imperviousness" (See Appendix K). Therefore, this project does not require a Hydromodification Management Plan.

4. BMP SELECTION

- BMP Description

The project will provide a combination of BMPs in order to control and improve the water quality of the runoff coming from the site. These BMPs are incorporated into this project at all phases including the project design, constructed improvements (Primary Treatment Control Measures) and as part of the future maintenance.

Design BMPs

Efficient Landscaping and Irrigation – The project will be incorporating plantings from the approved list in Appendix D of the Santa Clara County C.3 guidelines and will include reduced flow irrigation systems.

Treatment Control Measure BMPs

In accordance with the requirements of the MRP, this project was evaluated for the feasibility of Harvesting and Reusing the storm runoff to serve the project's water demands and it was determined to be infeasible (See Appendix B). The current design implements biotreatment for 68.9% of the project site. The remaining 31.1% of the site will be self-retaining. Runoff throughout the site is collected from various hardscape surfaces including roofs and walkways and directed into collection systems which feed the biotreatment facilities. (See the Storm Water Control Plan Sheets – Appendix L).

Maintenance BMPs

The proposed scheduled maintenance of the Treatment Control Measures for this project will reduce the possibility of pollutants getting into the storm collection system from potential erosion and landscape debris build-up. Strict control over excessive use of pesticides and fertilizers will be implemented as well. The required Inspection and Maintenance of the Treatment Control Measures is detailed in Section 6 of this report.

➢ Pollutants of Concern

Pollutants that may be present as a result of the development of this project include sediments, metals, nutrients, bacteria, oil, grease, pet waste, pesticides, fertilizers and other organic compounds. All hardscape areas will have runoff directed to the treatment facilities described above before entering into the storm collection system.

➢ BMP Sizing Criteria

In accordance with the requirements established in the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Guidelines, the LID Treatment Control Measures have been designed and sized utilizing the Combined Flow and Volume method as outlined in Appendix B of the C.3 Stormwater Handbook. See Appendix F for the Treatment Measure sizing calculations.

➢ Source Control Measures

The following source control measures will be implemented within the project site to limit the generation, discharge and runoff of pollutants into the storm collection system.

- All storm inlets will be marked with the words "NO DUMPING – FLOWS TO THE BAY".
- All roof drains will be directed to discharge onto splashblocks and away from the building foundation to an unpaved area whenever practicable.
- Sidewalks and Private Streets shall be swept regularly to minimize the accumulation of litter and debris.
- Beneficial landscaping that minimizes irrigation, runoff, pesticides and fertilizers and promotes treatment will be implemented into the project landscape design.

5. INFILTRATION

As identified in the Geotechnical Investigation for 375 Los Coches Street by Berlogar, Stevens & Associates dated May 29, 2013 - Job No. 3390.100, the existing soils conditions are primarily clay and will not provide optimum conditions for infiltration and directing runoff back into the ground soils. Additionally, the project design calls for a liner in the biotreatment basin to provide added protection for the surrounding building foundations.

6. OPERATION AND MAINTENANCE

Routine inspection and maintenance of the proposed Biotreatment facilities and other BMPs will be required in order to keep them functional. The level of effort to accomplish this will be consistent with the normal level of maintenance for the landscaping within the project.

The Project Developer (Tri Pointe Homes) will be the initial responsible party to maintain all of the BMPs for this project. Once all of the homes are sold, then the project's Home Owner's Association (HOA) will assume responsibility for future maintenance. This will be established in the Maintenance Agreement with the City of Milpitas.

➢ Required Inspection & Maintenance

Consistent with Section 8.2.1 of the Santa Clara C.3 Stormwater Handbook, the minimum Inspection & Maintenance requirements for these facilities will need to be as follows:

Biotreatment Facilities:

- Monthly inspection is required at the Bioretention facility surface areas, inlets and outlets for obstructions and trash. Clean and remove any obstructions as needed.
- After rain events, inspect these facilities for ponding. If the basins aren't draining in 2-3 days, the surface soils will need to be replaced and replanted accordingly.
  Note: Standing water must be eliminated in order to avoid Vector issues. Contact the Santa Clara County Vector Control District at (408) 918-4770 or (800) 675-1155 for questions.
- Inspect the health of basin vegetation bi-annually.
  - Remove and replace vegetation as needed.
  - Keep basin facilities trimmed/pruned as needed.
  - Treat diseased plants with low-toxic methods.
  - Avoid the use of pesticides.
  - Maintain irrigation systems as needed.

Self-Retaining Areas:

- Inspection of pervious surfaces for standing water is required every 3-6 months. The underdrains for these surfaces should be inspected at least once a year.
- Routine maintenance including removal of all weeds and other potentially clogging type debris from these pervious surfaces shall be performed on a consistent monthly maintenance cycle.
- Repair any damaged or deformed surfaces as needed.

➢ Inspection & Maintenance Records

Project Owner is to maintain annual records of all routine inspections and maintenance activities for a minimum of 3 years or as specified in the Maintenance agreement with the City of Milpitas. The treatment facilities for this project can be subject to separate inspection and verification by the City of Milpitas.

Inspection & Maintenance records shall include the following minimum information:

- Dates of routine inspections and any resulting maintenance activities
- A log of all pesticides used in treating the basins
- Contact information for the responsible party performing the basin maintenance
- Log of employee training for inspection & maintenance
- A copy of the Stormwater Management Plans

Please submit the Operation and Maintenance Inspection Reports, Maintenance Plan, and Inspection and Maintenance checklist for each BMP to the following address:

City of Milpitas,
455 E. Calaveras Blvd
Milpitas, CA 95035
Attn: Utility Engineer

7. Third Party Certification

The Storm Water Management Plan for this project was reviewed by Mr. Ed Boscocci of BKF Engineers and found to be in conformance with both Milpitas Stormwater standards and the requirements of Provision C.3 of the MRP.

Refer to Appendix J for the certification letter from BKF and Appendix L for signed/approved copies of the Storm Water Control Plans.

8. SUMMARY

In order to successfully implement permanent storm water BMP efforts to mitigate the impacts of urban runoff due to the development of this proposed project, we have demonstrated the following:

- Identification of potential pollutants of concern typical for this type of development in the City of Milpitas
- The proposed land-use for the site provides a treatment scenario that will treat storm drain runoff with the use of biotreatment basins and self – retaining areas.
- The project proposes to treat 68.9% of the site via LID based biotreatment. The remainder of the project site will be self-retaining in compliance with the requirements of the MRP.

APPENDIX A

C3 Data Form

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

City of Milpitas – Stormwater Requirements C.3 Data Form

Santa Clara Valley Urban Run-Off Pollution Prevention Program

Which Projects Must Comply with Stormwater Requirements?

All projects that create and/or replace **10,000 sq. ft.** or more of impervious surface on the project site must fill out this worksheet and submit it with the development project application.

All restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects (stand-alone or part of another development project, including the top uncovered portion of parking structures) that create and/or replace **5,000 sq. ft.** or more of impervious surface on the project site must also fill out this worksheet.

Interior remodeling projects, routine maintenance or repair projects such as re-roofing and re-paving, and single family homes that are not part of a larger plan of development are **NOT** required to complete this worksheet.

What is an Impervious Surface?

An impervious surface is a surface covering or pavement that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to rooftops, walkways, paved patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, underlain with pervious soil or pervious storage material (e.g., drain rock), that infiltrates rainfall at a rate equal to or greater than surrounding unpaved areas OR that stores and infiltrates the water quality design volume specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP) is not considered an impervious surface.

For More Information

For more information regarding selection of Best Management Practices for stormwater pollution prevention or stormwater treatment in Santa Clara County: http://www.scvurppp-w2k.com/c3_handbook_2012.shtml

1. Project Information

Project Name: TRACT 10221 **APN #** 086-39-001 & 002

Project Address: NWC MILPITAS BLVD. & LOS COCHES STREET

Cross Streets: _____

Applicant/Developer Name: TRI POINTE HOMES

Project Phase(s): _____ of _____ **Engineer:** CIVIL ENGINEERING ASSOCIATES, INC.

Project Type (Check all that apply): ☒ New Development ☐ Redevelopment

☐ Residential ☐ Commercial ☐ Industrial ☐ Mixed Use ☐ Public ☐ Institutional

☐ Restaurant ☐ Uncovered Parking ☐ Retail Gas Outlet ☐ Auto Service (SIC code)_____
(5013-5014, 5541, 7532-7534, 7536-7539)

☐ Other _____

Project Description: 32 SFD UNITS WITH 4 LIVE/WORK UNITS INCLUDED.

Project Watershed/Receiving Water (creek, river, or bay): BERRYESSA CREEK

2. Project Size

a. Total Site Area: _____ acre	b. Total Site Area Disturbed: _____ acre (including clearing, grading, or excavating)			
	Existing Area (ft^2)	Proposed Area (ft^2)		Total Post-Project Area (ft^2)
		Replaced	New	
Impervious Area				
Roof	19,200	19,200	19,551	38,751
Parking				
Sidewalks and Streets	21,950	21,950	20,858	42,808
c. Total Impervious Area				
d. Total new and replaced impervious area		81,559		
Pervious Area				
Landscaping	70,632	26,823		26,823
Pervious Paving			1,130	1,130
Other (e.g. Green Roof)			2,270	2,270
e. Total Pervious Area				30,223
f. Percent Replacement of Impervious Area in Redevelopment Projects (Replaced Total Impervious Area ÷ Existing Total Impervious Area) x 100% = 100 %				

3. State Construction General Permit Applicability:

a. Is #2.b. equal to one acre or more?

☒ Yes, applicant must obtain coverage under the State Construction General Permit (i.e., file a Notice of Intent and prepare a Stormwater Pollution Prevention Plan) (see www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml for details).

☐ No, applicant does not need coverage under the State Construction General Permit.

4. MRP Provision C.3 Applicability:

a. Is #2.d. equal to **10,000** sq. ft. or more, or **5,000** sq. ft. or more for restaurants, auto service facilities, retail gas outlets, and uncovered parking?

☒ Yes, C.3. source control, site design, and treatment requirements apply.

☐ No, C.3. source control and site design requirements may apply – check with local agency

b. Is #2.f. equal to 50% or more?

☒ Yes, C.3. requirements (site design, source control, as appropriate, and stormwater treatment) apply to entire site.

☐ No, C.3. requirements only apply to impervious area created and/or replaced.

5. Hydromodification Management (HM) Applicability:

a. Does project create and/or replace one acre or more of impervious surface AND is the total post-project impervious area greater than the pre-project (existing) impervious area?

☒ Yes (continue) ☐ No – exempt from HM, go to page 3

b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map? (www.scvurppp-w2k.com/hmp_maps.htm)

☐ Yes, project must implement HM requirements

☒ No, project is exempt from HM requirements

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- ☐ Minimize land disturbed
- ☒ Minimize impervious surfaces
- ☐ Minimum-impact street or parking lot design
- ☐ Cluster structures/ pavement
- ☒ Disconnected downspouts
- ☒ Pervious ~~pavement~~ PUMP AREA
- ☐ Green roof
- ☐ Microdetention in landscape
- ☐ Other self-treating area
- ☒ Self-retaining area
- ☐ Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains) [1]
- ☐ Preserved open space: _____ ac. or sq. ft (circle one)
- ☐ Protected riparian and wetland areas/buffers (Setback from top of bank: _____ft.)
- ☐ Other _____

Source Control Measures

- ☐ Alternative building materials
- ☐ Wash area/racks, drain to sanitary sewer[2]
- ☐ Covered dumpster area, drain to sanitary sewer[2]
- ☐ Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain[2]
- ☒ Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- ☐ Outdoor material storage protection
- ☐ Covers, drains for loading docks, maintenance bays, fueling areas
- ☒ Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- ☒ Storm drain labeling
- ☐ Other _____

Treatment Systems

- ☐ None (all impervious surface drains to self-retaining areas)

LID Treatment

- ☐ Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment)
- ☐ Infiltration basin
- ☐ Infiltration trench
- ☐ Exfiltration trench
- ☐ Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter conduit)

Biotreatment [3]

- ☒ Bioretention area
- ☐ Flow-through planter
- ☐ Tree box with bioretention soils
- ☐ Other _____

Other Treatment Methods

- ☐ Proprietary tree box filter[4]
- ☐ Media filter (sand, compost, or proprietary media)[4]
- ☐ Vegetated filter strip[5]
- ☐ Dry detention basin[5]
- ☐ Other _____

N/A **Flow Duration Controls for Hydromodification Management (HM)**

☐ Detention basin ☐ Underground tank or vault ☐ Bioretention with outlet control ☐ Other _____

[1] Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.
[2] Subject to sanitary sewer authority requirements.
[3] Biotreatment measures are allowed only with completed feasibility analysis showing that infiltration and rainwater harvest and use are infeasible.
[4] These treatment measures are only allowed if the project qualifies as a "Special Project".
[5] These treatment measures are only allowed as part of a multi-step treatment process.

7. Treatment System Sizing for Projects with Treatment Requirements

Indicate the hydraulic sizing criteria used and provide the calculated design flow or volume:

Treatment System Component	Hydraulic Sizing Criteria Used[3]	Design Flow or Volume (cfs or cu.ft.)
SEE ATTACHED CALCULATIONS		
	COMBINED FLOW & VOLUME	

[3]Key: 1a: Volume – WEF Method
1b: Volume – CASQA BMP Handbook Method
2a: Flow – Factored Flood Flow Method
2b: Flow – CASQA BMP Handbook Method
2c: Flow – Uniform Intensity Method
3: Combination Flow and Volume Design Basis

8. Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☒ Yes ☐ No Name of Reviewer: ED BOSCACCI / BKF ENGINEERS

9. Operation & Maintenance Information

A. Property Owner's Name: TRI POINTE HOMES

B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:

a. Name: TRACT 10221 HOMEOWNERS ASSOCIATION
b. Address: 2010 CROW CANYON PLACE, SUITE 420
c. Phone/E-mail: SAN RAMON, CA 94583
ATTN: BILL SADLER BILL.SADLER@TRIPOINTEHOMES.COM

This section to be completed by City of Milpitas staff.

O&M Responsibility Mechanism

Indicate how responsibility for O&M is assured. Check all that apply:

☐ O&M Agreement

☐ Other mechanism that assigns responsibility (describe below):

_____

_____

Reviewed:

Planning Department	**Public Works Department**
Planning Division: _____	Land Development: _____
Other (Specify): _____	Other (Specify): _____

APPENDIX B

Infiltration/Harvesting Infeasibility Worksheet

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

Infiltration/Harvesting and Use Feasibility Screening Worksheet

*Apply these screening criteria for **C.3 Regulated Projects*** required to implement Provision C.3 stormwater treatment requirements. See the Glossary (Attachment 1) for definitions of terms marked with an asterisk (*). Contact municipal staff to determine whether the project meets **Special Project*** criteria. If the project meets Special Project criteria, it may receive LID treatment reduction credits.*

1. Applicant Info

Site Address: NW/C MILPITAS BLVD. & LOS COCHES ST., CA APN: 086-39-001 & 002

Applicant Name: TRI POINTE HOMES Phone No.: 925-804-2220

Mailing Address: 2010 CROW CANYON PLACE, SUITE 470
SAN RAMON, CA 94583

2. Feasibility Screening for Infiltration

Do site soils either (a) have a **saturated hydraulic conductivity*** (Ksat) that will NOT allow infiltration of 80% of the annual runoff (that is, the Ksat is LESS than 1.6 inches/hour), or, if the Ksat rate is not available, (b) consist of Type C or D soils?[1]

☒ Yes (continue) ☐ No – complete the Infiltration Feasibility Worksheet. If infiltration of the C.3.d amount of runoff is found to be feasible, there is no need to complete the rest of this screening worksheet.

3. Recycled Water Use

Check the box if the project is installing and using a recycled water plumbing system for non-potable water use.

☐ The project is installing a recycled water plumbing system, and installation of a second non-potable water system for harvested rainwater is impractical, and considered infeasible due to cost considerations. Skip to Section 6.

4. Calculate the Potential Rainwater Capture Area* for Screening of Harvesting and Use

Complete this section for the entire project area. If rainwater harvesting and use is infeasible for the entire site, and the project includes one or more buildings that each have an individual roof area of 10,000 sq. ft. or more, then complete Sections 4 and 5 of this form for each of these buildings.

4.1 Table 1 for (check one): ☒ The whole project ☐ Area of 1 building roof (10,000 sq.ft. min.)

Table 1: Calculation of the Potential Rainwater Capture Area*
The Potential Rainwater Capture Area may consist of either the entire project area or one building with a roof area of 10,000 sq. ft. or more.

	1	2	3	4
	Pre-Project Impervious surface[2] (sq.ft.), if applicable	Proposed Impervious Surface[2] (IS), in sq. ft.		Post-project landscaping (sq.ft.), if applicable
		Replaced[3] IS	Created[4] IS	
a. Enter the totals for the area to be evaluated:	41,150	41,150	40,409	30,223
b. Sum of replaced and created impervious surface:	N/A	81,559		N/A
c. Area of existing impervious surface that will NOT be replaced by the project.	/	N/A		N/A

[1] Base this response on the site-specific soil report, if available. If this is not available, consult soil hydraulic conductivity maps in Attachment 3.
[2], Enter the total of all impervious surfaces, including the building footprint, driveway(s), patio(s), impervious deck(s), unroofed porch(es), uncovered parking lot (including top deck of parking structure), impervious trails, miscellaneous paving or structures, and off-lot impervious surface (new, contiguous impervious surface created from road projects, including sidewalks and/or bike lanes built as part of new street). Impervious surfaces do NOT include vegetated roofs or pervious pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding, unpaved landscaped areas, or that stores and infiltrates the **C.3.d amount of runoff***.
[3] "Replaced" means that the project will install impervious surface where existing impervious surface is removed.
[4] "Created" means the project will install new impervious surface where there is currently no impervious surface.
* For definitions, see Glossary (Attachment 1).

4.2 Answer this question ONLY if you are completing this section for the entire project area. If existing impervious surface will be replaced by the project, does the area to be replaced equal 50% or more of the existing area of impervious surface? *(Refer to Table 1, Row "a". Is the area in Column 2 > 50% of Column 1?)*

☒ Yes, C.3. stormwater treatment requirements apply to areas of impervious surface that will remain in place as well as the area created and/or replaced. This is known as the 50% rule.

☐ No, C.3. requirements apply only to the impervious area created and/or replaced.

4.3 Enter the square footage of the **Potential Rainwater Capture Area***. If you are evaluating only the roof area of a building, or you answered "no" to Question 4.2, this amount is from Row "b" in Table 1. If you answered "yes" to Question 4.2, this amount is the sum of Rows "b" and "c" in Table 1.:

81,559 square feet.

4.4 Convert the measurement of the **Potential Rainwater Capture Area*** from square feet to acres (divide the amount in Item 4.3 by 43,560):

1.87 acres.

5. Feasibility Screening for Rainwater Harvesting and Use

5.1 Use of harvested rainwater for landscape irrigation:

Is the onsite landscaping LESS than 2.5 times the size of the **Potential Rainwater Capture Area*** (Item 4.3)? (Note that the landscape area(s) would have to be contiguous and within the same Drainage Management Area to use harvested rainwater for irrigation via gravity flow.)

☒ Yes (continue) ☐ No – Direct runoff from impervious areas to **self-retaining areas*** OR refer to Table 11 and the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for irrigation.

5.2 Use of harvested rainwater for toilet flushing or non-potable industrial use:

a. Residential Projects: Proposed number of dwelling units: 32

Calculate the dwelling units per impervious acre by dividing the number of dwelling units by the acres of the **Potential Rainwater Capture Area*** in Item 4.4. Enter the result here:

17.1

Is the number of dwelling units per impervious acre LESS than 100 (assuming 2.7 occupants/unit)?

☒ Yes (continue) ☐ No – complete the Harvest/Use Feasibility Worksheet.

N/A b. Commercial/Industrial Projects: Proposed interior floor area: _____ (sq. ft.)

Calculate the proposed interior floor area (sq.ft.) per acre of impervious surface by *dividing the interior floor area (sq.ft.) by the acres of the **Potential Rainwater Capture Area*** in Item 4.4. Enter the result here:*

_____

Is the square footage of the interior floor space per impervious acre LESS than 70,000 sq. ft.?

☐ Yes (continue) ☐ No – complete the Harvest/Use Feasibility Worksheet

N/A c. School Projects: Proposed interior floor area: _____ (sq. ft.)

Calculate the proposed interior floor area per acre of impervious surface by *dividing the interior floor area (sq.ft.) by the acres of the **Potential Rainwater Capture Area*** in Item 4.4 . Enter the result here:*

_____.

Is the square footage of the interior floor space per impervious acre LESS than 21,000 sq. ft.?

☐ Yes (continue) ☐ No – complete the Harvest/Use Feasibility Worksheet

* For definitions, see Glossary (Attachment 1).

d. Mixed Commercial and Residential Use Projects

- Evaluate the residential toilet flushing demand based on the dwelling units per impervious acre for the residential portion of the project, following the instructions in Item 5.2.a, except you will use a prorated acreage of impervious surface, based on the percentage of the project dedicated to residential use.
- Evaluate the commercial toilet flushing demand per impervious acre for the commercial portion of the project, following the instructions in Item 5.2.a, except you will use a prorated acreage of impervious surface, based on the percentage of the project dedicated to commercial use.

N/A

e. Industrial Projects: Estimated non-potable water demand (gal/day): _____

Is the non-potable demand LESS than 2,400 gal/day per acre of the Potential Rainwater Capture Area?

☐ Yes (continue) ☐ No – refer to the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for industrial use.

6. Use of Biotreatment

If only the "Yes" boxes were checked for all questions in Sections 2 and 5, or the project will have a recycled water system for non-potable use (Section 3), then the applicant may use appropriately designed bioretention facilities for compliance with C.3 treatment requirements. The applicant is encouraged to maximize infiltration of stormwater if site conditions allow.

7. Results of Screening Analysis

Based on this screening analysis, the following steps will be taken for the project (check all that apply):

☒ Implement biotreatment measures (such as an appropriately designed bioretention area).

☐ Conduct further analysis of infiltration feasibility by completing the Infiltration Feasibility Worksheet.

☐ Conduct further analysis of rainwater harvesting and use (check one):

- ☐ Complete the Rainwater Harvesting and Use Feasibility Worksheet for:
  - ☐ The entire project
  - ☐ Individual building(s), if applicable, describe:_____
- ☐ Evaluate the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report
- ☐ Evaluate the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report.

* For definitions, see Glossary (Attachment 1).

APPENDIX C

Special Projects Worksheet (if applicable)

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

APPENDIX D

Soil Properties

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

DESIGN LEVEL GEOTECHNICAL INVESTIGATION
MILPITAS RESIDENTIAL, LOTS 1 AND 2
345 AND 375 LOS COCHES STREET
MILPITAS, CALIFORNIA

FOR
TRI POINTE HOMES
May 29, 2013

Job No. 3390.100

BERLOGAR STEVENS & ASSOCIATES

Via E-mail and Mail

May 29, 2013
Job No. 3390.100

BERLOGAR STEVENS & ASSOCIATES

Mr. Bob Donnelly
Tri Pointe Homes
2010 Crow Canyon Place, Suite 420
San Ramon, California 94583

Subject: Design Level Geotechnical Investigation
Milpitas Residential, Lots 1 and 2
345 and 375 Los Coches Street
Milpitas, California

Dear Mr. Donnelly:

INTRODUCTION

This report presents the results of our geotechnical investigation for the Milpitas residential project at 345 and 375 Los Coches Street in Milpitas, California as shown on Plate 1, Vicinity Map. The site is bounded by South Milpitas Boulevard to the east, commercial buildings to the north and west and Los Coches Street to the south. The approximately 2½-acre site is comprised of two parcels. Lot 1 is undeveloped and covered in weeds, and Lot 2 contains an approximately 20,000 sf commercial building. The existing commercial building will be demolished, and the site will be developed into a residential development.

PURPOSE AND SCOPE OF SERVICES

The purpose of this investigation was to evaluate the proposed development with respect to site soil and groundwater conditions, and to provide geotechnical recommendations for the design and construction of the proposed residences. The scope of our services included a review of available geotechnical and geologic reference material, field exploration, laboratory testing, engineering analyses based on field and laboratory data, and preparation of this report.

FIELD EXPLORATION AND LABORATORY TESTING

Our field exploration was performed on May 14 and 15, 2013. Three borings (B1 through B3) were drilled with a truck mounted, hollow stem auger equipped drill rig at the approximate locations shown on Plate 2, Site Plan on May 14, 2013. The three borings were drilled to approximately 25 feet below the existing ground surface. Our field engineer logged the borings and collected soil samples for geotechnical laboratory testing. The boring logs and key to boring log symbols are contained Appendix A.

Our field investigation on May 15 consisted of performing two cone penetration tests (CPT1 and CPT2) at the approximate locations shown on Plate 2, Site Plan. The CPT's measured tip resistance, sleeve friction and pore water pressure to a depth of approximately 50 feet below the existing ground surface. The CPT logs are contained in Appendix B.

The borings and CPT holes were backfilled with neat cement grout per Santa Clara Valley Water District guidelines. Soil samples from the borings were transported to our laboratory for testing. Laboratory testing including Atterberg Limits, sieve analyses, moisture/density, hydrometer tests, unconfined compressive strength and single point consolidation/swell were performed on selected samples. Atterberg Limits testing on five surficial (less than 10 feet below existing ground surface) soil samples resulted in Plasticity Index (PI) ranging from 34 to 52 and a Liquid Limit (LL) ranging from 54 to 75. This indicates the on-site soils are very highly to extremely expansive. The results of the laboratory tests are contained in Appendix C.

An unconfined compressive strength of 2,671 psf was obtained for a soil sample at a depth of 6-1/2 feet in B2. Single point consolidation tests were performed on two relatively undisturbed samples collected at approximate depths of 3½ and 5½ feet below the existing ground surface. The samples were seated, loaded to their approximate in-situ overburden stress, then inundated with water. The change in height of the sample was recorded throughout the test. Results of the single point consolidation tests are tabulated below and are shown on the boring logs. The samples swelled with a light load indicating that the soils are highly expansive and will shrink and swell upon drying and wetting.

Boring	Sample Depth (ft)	Soil Type	Load (psf)	Swell Upon Inundation (percent)
B-1	5½	Silty Clay	675	3.3
B-3	3½	Silty Clay	425	0.6

A near surface soil sample at a depth of 1½ feet from boring B3 was transported to CERCO Analytical, a state certified analytical laboratory for corrosion testing. The results of the testing and a brief corrosivity analysis is contained in Appendix D.

SITE CONDITIONS

SURFACE CONDITIONS

The approximately 2½-acre site is comprised of two parcels. Lot 1 is undeveloped and covered in weeds, and Lot 2 contains an approximately 20,000 sf commercial building with paved parking areas. Some medium size trees are located on Lot 2 and along the perimeter of Lot 1. The site is relatively flat at an elevation of roughly 21 feet MSL.

SUBSURFACE CONDITIONS

The upper 20 of soil at the site consists predominantly of clay and silty clay that is dry to moist grading to wet, stiff to very stiff and dark and light gray-brown. An approximately 10-foot thick zone of sandy silt, clayey silt, silty sand and sand is located between 20 and 30 feet deep. According to the CPTs, the soils transition back to silty clay and clay at about 30 feet in depth extending to the maximum explored depth of 50 feet. A more detailed description of the subsurface conditions is contained in the Boring Logs in Appendix A.

GROUNDWATER

Groundwater was encountered in the borings at depths between 13 and 16 feet. Numerous factors contribute to groundwater level fluctuations including precipitation, irrigation, and well pumping. A detailed evaluation of these and other factors which may be responsible for groundwater fluctuations was beyond the scope of this study.

CONCLUSIONS AND RECOMMENDATIONS

GENERAL

We conclude that, from a geotechnical engineering standpoint, the proposed residential development can generally be constructed as planned, provided that the conclusions and recommendations contained in this report are incorporated into the design and construction of the project. The predominant geotechnical considerations for this project are liquefaction induced settlement of deeper soils and extremely expansive surficial soils. It is our opinion that both of these conditions can be mitigated by pre-expanding the soil beneath building pads by adding water and utilizing post tension slab foundations for the structures.

SITE PREPARATION AND GRADING

Our general site preparation and grading recommendations are as follows:

1. The areas to be graded should be cleared of debris, surface vegetation, pre-existing abandoned utilities or buried structures. The existing building and parking lot should be demolished. Holes remaining from demolition should be backfilled in accordance with our recommendations below.
2. Trees designated for removal should include the entire root ball and roots larger than 2 inches in diameter. Holes resulting from tree removal should be cleared of loose soils and roots, and properly backfilled in accordance with our recommendations below.
3. Existing ground in fill areas should be scarified at least 12 inches, moisture conditioned and compacted between 85 to 90 percent relative compaction at a moisture content at least 5 percent over optimum moisture content.
4. If zones of soft or saturated soils are encountered during excavation and compaction, deeper excavations may be required to expose firm soils. This should be determined in the field by the soils engineer.
5. The upper 3 feet of soil should be reworked beneath buildings by overexcavating 2 feet and scarifying the overexcavated bottom 1 foot. The soil should be moisture conditioned and compacted between 84 to 88 percent relative compaction at a moisture content at least 7 percent over optimum moisture content.
6. Relative compaction refers to the in-place dry density of the soil expressed as a percentage of the maximum dry density determined by ASTM D1557 compaction test procedure. Optimum moisture is the water content (percentage by dry weight) corresponding to the maximum dry density.

7. The on-site soil is generally suitable for engineered fill, provided it is free of debris, significant vegetation and other deleterious matter.

8. Fill and backfill should be placed in thin lifts (normally 6 to 8 inches in loose lift thickness depending on the compaction equipment), properly moisture conditioned, and compacted as specified above.

9. Observations and soil density tests should be carried out during grading and backfill operations to assist the contractor in obtaining the required degree of compaction and proper moisture content. Where the compaction is outside the range required, additional compaction effort and adjustment of moisture content should be made until the specified compaction and moisture conditioning is achieved.

10. The soils engineer should be notified at least 48 hours prior to any grading and backfill operations. The procedure and methods of grading may then be discussed between the contractor and the soils engineer.

LIQUEFACTION EVALUATION

Liquefaction is the sudden transformation of loose, cohesionless soil below the groundwater table into a viscous fluid during strong ground shaking from an earthquake. The Recommended Procedures for Implementation of DMG Special Publication 117 – Guidelines for Analyzing and Mitigating Liquefaction in California (DMG SP-117) indicates that a depth of 50 feet has been used as the depth of analysis for evaluating liquefaction.

A quantitative evaluation of liquefaction hazard was performed for the project site based on the method developed by Idriss and Boulanger (2008) for cone penetration tests (CPTs) and the CLiq liquefaction analysis software. The groundwater table was conservatively estimated to be 5 feet below the existing ground surface based on the California Geological Survey Seismic Hazard Zone Report for the Milpitas Quadrangle. Probabilistic seismic parameters were obtained from the USGS Interactive Deaggregation website (Moment magnitude of 6.60 and a peak ground acceleration of 0.64g).

The Idriss and Boulanger method corrects the raw CPT data recorded during testing for overburden, fines content and other factors to determine a cyclic resistance ratio (CRR) for each depth. Ground motion parameters are then adjusted to a common value magnitude to determine the cyclic stress ratio (CSR) for each soil layer. The estimated liquefaction induced settlement for each set of data can then be calculated.

Based on our calculations, we estimate that approximately 3 inches of total and 1½ inches of differential liquefaction induced settlement is possible, primarily from the silty sand from approximately 20 to 30 feet below the existing ground surface. It is our opinion that differential settlement across the site and potential for ground surface manifestation (including sand boils and ground cracking) will be marginal due to the approximately 20 foot thick non-liquefiable layer overlying the liquefiable soil. We anticipate that the recommended post tension slab foundations will further reduce the potential effects of liquefaction induced settlement on the proposed structures.

SEISMIC DESIGN PARAMETERS

The subject site is located at approximately 37.4301 degrees north latitude and 121.8992 degrees west longitude. The peak ground acceleration (PGA) with a 10% chance of exceedance in 50 years (475 year return period) is 0.64g according to the United States Geologic Survey (USGS) Deaggregation website with an assumed shear wave velocity of 270 m/s. According to the USGS Earthquake Ground Motion Parameters program, Version 5.1.0 dated February 10, 2011, the following 2010 California Building Code seismic design criteria should be incorporated into the structural design of the proposed residence.

Mapped Spectral Acceleration for Short Periods, S_s	1.52 g
Mapped Spectral Acceleration for 1-Second Period, S_1	0.60 g
Site Class	D
Site Coefficient F_a (for Site Class D)	1.0
Site Coefficient F_v (for Site Class D)	1.5
Acceleration Parameter S_{MS} (adjusted for Site Class D)	1.52 g
Acceleration Parameter, S_{M1} (adjusted for Site Class D)	0.90 g
Acceleration Parameter, S_{DS}(adjusted for Site Class D)	1.01 g
Acceleration Parameter, S_{D1} (adjusted for Site Class D)	0.60 g

FOUNDATIONS

POST TENSION SLAB FOUNDATIONS

The design parameters provided in this report is based on the third edition of PTI design manual. The center and edge lift differential swell values were adjusted higher to stiffen the PT slab. The stiffer PT slab needed due to the extremely high expansion potential of the near surface soils and the potential for up to 1½ inches of liquefaction induced differential settlement (estimated to be within a 100 foot span). We recommend that the following criteria be incorporated in the design of the post tension slab foundations.

Allowable Bearing Capacity (may be increased by 1/3 for seismic and wind load to be used at the discretion of the structural engineer)	1,500 psf
Passive Equivalent Fluid Pressure (neglect the upper foot if the ground surface is not confined by slabs or pavement)	300 pcf
Base Friction Coefficient	0.3
Edge Moisture Variation Distance Center Lift Edge Lift	 7.5 feet 4.0 feet
Differential Swell Center Lift Edge Lift	 1.88 inches 2.72 inches

The building pad should be prepared in accordance with the recommendations contained in the grading section above. Just before construction of the PT slab foundation, the upper 12 inches of the subgrade soils should be pre-soaked to at least 7 percent above optimum moisture content. The pre-soaked pad should not be allowed to dry out to less than the recommended moisture content

before the concrete is placed. Subgrade moisture should be checked by a BSA representative prior to concrete placement.

Where moisture vapor through the slabs would be objectionable, the use of a vapor retarder and capillary moisture break should be considered. The slab designer should determine the thickness of the slab and rock cushion layers.

UTILITY TRENCH EXCAVATION AND BACKFILL

Excavations should conform to applicable State and Federal safety requirements. Where trench excavations are more than 5 feet deep, they should be sloped no steeper than 1H:1V and/or shored. Flatter trench slopes may be required if seepage is encountered during construction or if exposed soil conditions differ from those encountered in the test pits. If the trench side slopes cannot be excavated due to site constraints, shoring should be provided to ensure trench stability and safety. We will provide soil parameters for shoring design upon request.

Materials quality, placement procedures and compaction operations for utility bedding and shading materials should meet local agency and/or other applicable agency requirements. Utility trench backfill above the shading materials may consist of native soils that have been processed to remove rubble, rock fragments over 4 inches in largest dimension, rubbish, vegetation and other undesirable substances. Backfill materials should be placed in level lifts about 8 to 12 inches in loose thickness, moisture conditioned and mechanically compacted between 84 and 88 percent relative compaction. No jetting is permissible on this project.

EXTERIOR CONCRETE FLATWORK AND DRIVEWAYS

The upper foot of subgrade beneath concrete flatwork and driveways should be presoaked to at least 7 percent over optimum moisture content prior to concrete placement. Presoaking is intended to pre-expand the soil, which would likely occur once landscape irrigation commences. We suggest that abutting sidewalks, patios, door stoops and driveways be tied together with dowels to reduce potential tripping hazards. We also suggest that the designer consider the use of reinforcing steel to reduce potential tripping hazards. Additionally, it should be noted that placement of an aggregate base layer beneath flatwork could act as a subsurface water reservoir, thus saturating the subgrade soil further. It may be prudent to thicken flatwork due to the expansive soils. We can discuss this further with the flatwork designer if needed once plans are more complete.

STRUCTURAL PAVEMENT SECTIONS

We are providing structural pavement sections based on an assumed R-Value of 5 for the subgrade soil, the Caltrans Design Method for Flexible Pavement, and traffic indices (TI), which are indications of load frequency and intensity.

Traffic Index	Asphalt Concrete (in)	Class 2 Aggregate Base (in)	Total Section Thickness (in)
4.5	3.0	8	11.0
5	3.0	10	13.0
5.5	3.0	12	15.0
6	3.0	14	17.0
6.5	4.0	14	18.0
7	4.0	16	20.0

SUBGRADE AND AGGREGATE BASE

Prior to subgrade preparation, utility trench backfill should be properly placed and compacted. Subgrade soils for asphalt concrete pavement should be rolled to at least 95 percent relative compaction to provide a smooth, unyielding surface. Subgrade soils should be maintained in a moist and compacted condition until covered with the complete pavement section.

Class 2 aggregate base should conform to the requirements in Section 26, Caltrans "Standard Specifications". The aggregate base should be placed in thin lifts in a manner to prevent segregation, uniformly moisture conditioned, and compacted to at least 95 percent relative compaction to provide a smooth, unyielding surface.

A pavement edge drain should be constructed under the curb and gutter as shown on Plate 3, Pavement Edge Drain. This drain will drain water that may collect and saturate the AB, which could cause premature pavement failure. The locations of pavement edge drains should be determined after a review of the final civil and landscape plans.

ADDITIONAL SOIL ENGINEERING SERVICES

Prior to construction, our firm should be provided the opportunity to review the plans and specifications to determine if the recommendations of this report have been implemented in those documents. We would appreciate the opportunity to meet with the contractors prior to the start of site grading, underground utility installation and pavement construction to discuss the procedures and methods of construction. This can facilitate the performance of the construction operation and minimize possible misunderstanding and construction delays.

To a degree, the performance of the proposed project is dependent on the procedures and quality of the construction. Therefore, we should provide observations of the contractor's procedures and the exposed soil conditions, and field and laboratory testing during site preparation and grading, placement and compaction of fill, underground utility installation, and foundation and pavement construction. These observations will allow us to check the contractor's work for conformance with the intent of our recommendations and to observe any unanticipated soil conditions that could require modification of our recommendations.

LIMITATIONS

The conclusions and recommendations of this report are based upon the information provided to us regarding the proposed project, subsurface conditions encountered at the field exploration locations, the results of the laboratory testing, and professional judgment. This study has been conducted in accordance with current professional geotechnical engineering standards; no other warranty is expressed or implied.

Site conditions described in this report are characteristic of those existing at the time of our field exploration in May 2013, and are not necessarily representative of such conditions at other locations or times. The locations of the field explorations were estimated by pacing from the existing surface features and should be considered approximate only.

In the event that changes in nature, design and location of the proposed project are planned, or if it is found during construction that subsurface conditions differ from those described on the boring logs, then the conclusions and recommendations in this report shall be considered invalid, unless the changes are reviewed, and the conclusions and recommendations are modified or approved in writing.

We trust that this report provides the information that you require at this time. If you have any questions, please contact the undersigned at (925) 484-0220. We appreciate the opportunity to provide professional services to Tri Pointe Homes.

Respectfully submitted,

BERLOGAR STEVENS & ASSOCIATES

Wilson Wong
Project Engineer
C78589

William R. Stevens
Principal Engineer

WW/WRS:jmo

Attachments:

Plate 1 – Vicinity Map
Plate 2 – Site Plan
Plate 3 – Pavement Edge Drain
Appendix A – Boring Logs and Key to Boring Log Symbols
Appendix B – CPT Graphs
Appendix C – Laboratory Test Results
Appendix D – Cerco Analytical Test Results

Copies: Addressee (6)

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APPENDIX F

BMP Sizing Calculations

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

STORMWATER TREATMENT SIZING & STORAGE CALCULATION SUMMARY TABLE

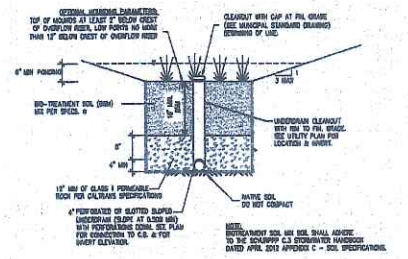
STORMWATER TREATMENT WATERSHED DESIGNATION	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
IMPERVIOUS SURFACES - Roof, Pavement, walkways & driveways (SF)	6999	4089	8539	3170	7751	5705	4984	3846	2282	12309	5351	3168	3490	1678	3833	5002
PERVIOUS SURFACES - Landscaping & Pervious Pavements	1937	2289	2044	2069	1366	1148	4001	1415	1620	2889	1460	372	3825	1222	1779	1390
TOTAL DRAINAGE AREA (SF)	7733	6358	10582	5239	9117	6853	8985	5261	3852	15082	6811	3540	7255	3100	5612	6392
VOLUME BASED SIZING - BMP HANDBOOK APPROACH																
TOTAL DRAINAGE AREA (AC)	0.18	0.15	0.24	0.12	0.21	0.16	0.21	0.12	0.09	0.35	0.16	0.08	0.17	0.07	0.13	0.15
% IMPERVIOUS	82.71%	64.00%	80.68%	60.51%	85.02%	83.25%	55.47%	73.10%	57.84%	80.85%	78.56%	89.49%	47.28%	60.58%	68.30%	78.25%
MEAN ANNUAL PRECIPITATION (INCHES PER YEAR)	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50	15.50
LOCAL RAIN GAUGE - SAN JOSE (INCHES PER YEAR)	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90	13.90
CORRECTION FACTOR	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12	1.12
MODIFIED SOIL TYPE - NRCS	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
AVERAGE SLOPE OF SITE	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
UNIT STORAGE VOLUME - 80% CAPTURE RATE (IN)	0.5		0.49		0.48	0.49		0.48		0.5	0.49	0.53			0.48	0.49
BMP DESIGN VOLUME (CF)	359	N/A	482	0	407	312	0	235	0	701	310	174	0	0	240	291
TREATMENT TYPE	Bio-Treatment	Self-Retaining	Bio-Treatment	Self-Retaining	Bio-Treatment	Bio-Treatment	Self-Retaining	Bio-Treatment	Self-Retaining	Bio-Treatment	Bio-Treatment	Bio-Treatment	Self-Retaining	Self-Retaining	Bio-Treatment	Bio-Treatment
Self-Retaining Hardscape/Landscape Ratio (2:1 Max.)	N/A	1.78:1	N/A	1.33:1	N/A	N/A	1.25:1	N/A	1.38:1	N/A	N/A	N/A	0.90:1	1.54:1	N/A	N/A
FLOW BASED SIZING - UNIFORM INTENSITY APPROACH																
A - TOTAL DRAINAGE AREA (AC)	0.18	N/A	0.24	N/A	0.21	0.16	N/A	0.12	N/A	0.35	0.16	0.08	N/A	N/A	0.13	0.15
C - RUNOFF COEFFICIENT	0.79	N/A	0.77	N/A	0.80	0.79	N/A	0.78	N/A	0.78	0.76	0.83	N/A	N/A	0.69	0.76
I - UNIFORM INTENSITY (0.2"/HR.)	0.2	N/A	0.2	N/A	0.2	0.2	N/A	0.2	N/A	0.2	0.2	0.2	N/A	N/A	0.2	0.2
Q - DESIGN FLOW (CFS)	0.0280	N/A	0.0376	N/A	0.0336	0.0249	N/A	0.0175	N/A	0.0538	0.0238	0.0135	N/A	N/A	0.0179	0.0223
COMBINED VOLUME & FLOW APPROACH																
WATER QUALITY DESIGN VOLUME (CF)	359	N/A	482	N/A	407	312	N/A	235	N/A	701	310	174	N/A	N/A	240	291
RAINFALL INTENSITY - UNIFORM INTENSITY APPROACH (0.2"/HR.)	0.2	N/A	0.2	N/A	0.2	0.2	N/A	0.2	N/A	0.2	0.2	0.2	N/A	N/A	0.2	0.2
DURATION OF RAIN EVENT = UNIT STORAGE VOLUME x CORRECTION FACTOR / RAINFALL INTENSITY (HRS.)	2.79	N/A	2.73	N/A	2.68	2.73	N/A	2.68	N/A	2.79	2.73	2.96	N/A	N/A	2.56	2.73
PRELIMINARY TREATMENT AREA SIZING = 4% OF STORMWATER TREATMENT WATERSHED (SF)	309	N/A	423	N/A	365	274	N/A	210	N/A	604	272	142	N/A	N/A	224	256
REDUCED TREATMENT AREA (SF) REQUIRED	220	N/A	295	N/A	253	195	N/A	153	N/A	490	196	115	N/A	N/A	181	197
TREATMENT AREA (SF) PROVIDED	220	N/A	295	N/A	253	195	N/A	153	N/A	465	196	115	N/A	N/A	181	197
VOLUME OF WATER FILTERED THROUGH TREATMENT SOIL = REDUCED TREATMENT AREA * 5"/HR. * DURATION OF RAIN EVENT * 1'/12" (CF)	256	N/A	336	N/A	282	222	N/A	171	N/A	523	223	142	N/A	N/A	193	224
REQUIRED STORAGE VOLUME (= BMP DESIGN VOLUME - FILTERED TREATMENT VOLUME / REDUCED TREATMENT AREA (INCHES IN STORAGE DEPTH)	5.7	N/A	5.9	N/A	5.9	5.5	N/A	5.0	N/A	4.8	5.3	3.4	N/A	N/A	5.1	4.1
BMP MEETS / EXCEEDS REQUIRED TREATMENT SIZING	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

CALCULATIONS PROVIDED IN THE TABLE ARE BASED ON THE COMBINED FLOW AND VOLUME BASED METHOD AS OUTLINED ON THE SCVURPPP C.3 STORMWATER HANDBOOK DATED APRIL 2012.

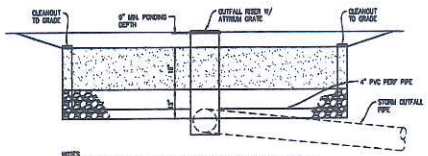
STORMWATER TREATMENT SURFACES SUMMARY TABLE

WATERSHED ID	IMPERVIOUS SURFACES					PERVIOUS SURFACES				WATERSHED AREA (SF)	TREATMENT METHOD
	BUILDING	WALKWAY	DRIVEWAY	STREETS	TOTAL IMPERVIOUS	LANDSCAPING	PERVIOUS SURFACE	TREATMENT BASIN	TOTAL PERVIOUS		
A	1943	972	171	3710	6886	1117	0	220	1337	7733	BIOTREATMENT BASIN NO. 1
B	3658	491	0	0	4049	2289	0	0	2289	6358	SELF-RETAINING
C	4201	320	399	3618	8538	1749	0	295	2044	10582	BIOTREATMENT BASIN NO.2
D	2697	473	0	0	3170	2069	0	0	2069	5239	SELF-RETAINING
E	3269	892	169	3421	7751	1119	0	293	1366	9117	BIOTREATMENT BASIN NO.3
F	2248	184	305	2968	5705	933	0	195	1148	6853	BIOTREATMENT BASIN NO.4
G	3314	1670	0	0	4984	2871	1130	0	4001	8985	SELF-RETAINING
H	927	402	0	2517	3846	1262	0	153	1415	5261	BIOTREATMENT BASIN NO.5
I	1990	252	0	0	2282	1620	0	0	1620	3852	SELF-RETAINING
J	5025	691	362	6128	12206	2421	0	465	2886	15082	BIOTREATMENT BASIN NO.6
K	2375	108	260	2608	5351	1264	0	196	1460	6811	BIOTREATMENT BASIN NO.7
L	666	274	128	2099	3168	257	0	115	372	3540	BIOTREATMENT BASIN NO.8
M	2082	1348	0	0	3430	3825	0	0	3825	7255	SELF-RETAINING
N	1358	520	0	0	1878	1222	0	0	1222	3100	SELF-RETAINING
O	1388	544	57	1844	3833	1598	0	181	1779	5612	BIOTREATMENT BASIN NO.9
P	1740	382	175	2705	5002	1199	0	197	1390	6392	BIOTREATMENT BASIN NO.10
SUBTOTAL AREA (SF)	38751	9163	2027	31618	81559	26829	1130	2270	30229	111782	

* PERVIOUS SURFACES INCLUDE THE PERVIOUS PLAYGROUND SURFACE WHICH IS SELF-TREATING. NO CREDIT IS TAKEN FOR ANY CAPTURED RUN-OF



TYPICAL LINED BIORETENTION AREA



NOTES:
1. ROOF DRAINS TO BE CONNECTED TO OUTFALL DIRECTLY INTO PLANTER BOXES. SEE PLUMBING DRAWINGS WHERE POSSIBLE.
2. PERFORATION TO BE INSTALLED FACING DOWNWARD.
3. CONTRACTOR TO INSTALL CLASS II PERMEABLE (CALTRANS SPEC.) AGGREGATE IN BOTTOM 12" OF TRENCH (TYP.)

TYPICAL SECTION @ BIORETENTION BASIN

SCALE: 1"=2'

JOB COPY

JUN 27 2014

CITY OF MILPITAS BUILDING DIVISION

REGISTERED PROFESSIONAL ENGINEER JOHN GIANG 65407 CIVIL STATE OF CALIFORNIA

NO.	DATE	REVISIONS	BY

Civil Engineering Associates
Civil Engineers • Planners • Surveyors
224 Airport Parkway Suite 320, CA 95110 San Jose, CA T: (408) 453-1036

PREPARED FOR: TRI Pointe HOMES
2010 Crow Canyon Place, Suite 100 San Ramon, CA 94583

PRIVATE IMPROVEMENT PLANS
TRACT NO. 10221
STORMWATER MANAGEMENT NOTES
MILPITAS CALIFORNIA

DATE	APR. 11, 14
SCALE	–
DESIGNED	JG
DRAWN	CH
JOB NO.	13-113
SHEET	19
OF	25 SHEETS

APPENDIX G

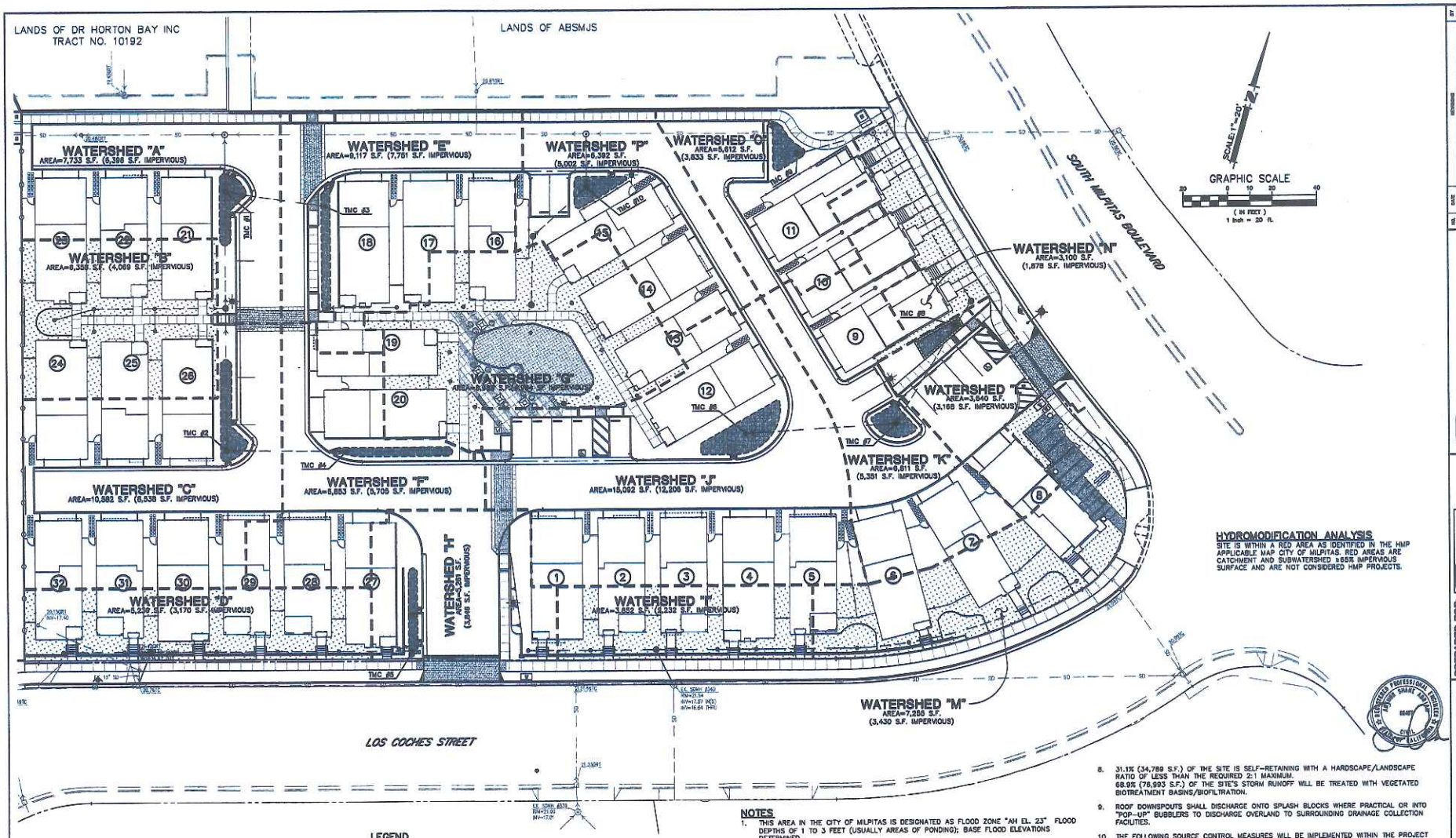
Site Plan

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)



HYDROMODIFICATION ANALYSIS

SITE IS WITHIN A RED AREA AS IDENTIFIED IN THE HMP APPLICABLE MAP CITY OF MILPITAS. RED AREAS ARE CATCHMENT AND SUBWATERSHED ≥ 65% IMPERVIOUS SURFACE AND ARE NOT CONSIDERED HMP PROJECTS.

LOS COCHES – TRACT 10221

Proposed Site Coverage

Area	Square Feet	Site Coverage
Residential Buildings	38,761	0.89 Ac
Asphalt Streets/ Parking	31,618	0.73 Ac
Walkways	9,163	0.21 Ac
Driveways	3,027	0.05 Ac
Permeable Play Surfaces	1,130	0.03 Ac
Onsite Landscaping/Open Space	28,823	0.62 Ac
Treatment Basins	2,270	0.05 Ac
Net Project Area - Total	**111,782**	**2.57 Ac**
Street Dedication		
Los Coches Street and South Milpitas Blvd.	3,872	0.09 Ac
Gross Site Area - Total	**115,654**	**2.66 Ac**

LEGEND

- PROJECT BOUNDARY
- WATERSHED BOUNDARY
- (5) UNIT NUMBER
- TCM TREATMENT CONTROL MEASURE – SEE TCM SIZING CALCULATIONS TABLE ON SHEET 19
- IMPERVIOUS DECORATIVE EMBOSSED ASPHALT SURFACE
- PERVIOUS PLAYGROUND SURFACE
- SELF-RETAINING LANDSCAPE AREAS (WATERSHEDS B, D, G, I, M & N) SEE TYPICAL SELF-RETAINING DETAIL ON SHEET 20 FOR REFERENCE
- BIO-TREATMENT BASIN – SEE SHEET 19 TABLE FOR BASIN SIZING CALCULATIONS SEE INDIVIDUAL BASIN DETAILS ON SHEET 20 FOR REFERENCE

NOTES

1. THIS AREA IN THE CITY OF MILPITAS IS DESIGNATED AS FLOOD ZONE "AH EL. 23" FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.
2. TOTAL PROJECT SITE = 115,654 S.F. / 2.66 ACRES – GROSS/PRE-DEDICATION
   111,782 S.F. / 2.57 ACRES – NET/POST-DEDICATION
3. AREA OF SITE BEING DISTURBED/DEVELOPED = ENTIRE PROJECT SITE
4. EXISTING SITE COVERAGE OF GROSS SITE AREA
   PERVIOUS = 73,465 S.F. / 1.69 ACRES (63.5%)
   IMPERVIOUS = 42,189 S.F. / 0.97 ACRES (36.5%)
5. PROPOSED SITE COVERAGE
   NET PROJECT AREA:
   PERVIOUS = 30,223 S.F. / 0.70 ACRES
   IMPERVIOUS = 81,559 S.F. / 1.87 ACRES
   OFFSITE DEDICATION:
   RIGHT OF WAY =3,872 S.F. / 0.09 ACRESS
6. THERE IS A 35.2% PERCENT INCREASE OF IMPERVIOUS SURFACE FOR THE SITE.
7. RECEIVING SYSTEM FOR THE STORM WATER: CITY OF MILPITAS PUBLIC STORM SEWER AND ULTIMATELY INTO BERRYESSA CREEK.
8. 31.1% (34,789 S.F.) OF THE SITE IS SELF-RETAINING WITH A HARDSCAPE/LANDSCAPE RATIO OF LESS THAN THE REQUIRED 2:1 MAXIMUM. 68.9% (76,993 S.F.) OF THE SITE'S STORM RUNOFF WILL BE TREATED WITH VEGETATED BIOTREATMENT BASINS/BIOFILTRATION.
9. ROOF DOWNSPOUTS SHALL DISCHARGE ONTO SPLASH BLOCKS WHERE PRACTICAL OR INTO "POP-UP" BUBBLERS TO DISCHARGE OVERLAND TO SURROUNDING DRAINAGE COLLECTION FACILITIES.
10. THE FOLLOWING SOURCE CONTROL MEASURES WILL BE IMPLEMENTED WITHIN THE PROJECT SITE TO LIMIT THE GENERATION, DISCHARGE AND RUNOFF OF POLLUTANTS INTO THE STORM COLLECTION SYSTEM.
    - ALL STORM INLETS WILL BE MARKED WITH THE WORDS "NO DUMPING – FLOWS TO THE BAY".
    - ALL ROOF DRAINS WILL BE DIRECTED TO DISCHARGE ONTO SPLASHBLOCKS AND AWAY FROM THE BUILDING FOUNDATION TO AN UNPAVED AREA WHEREVER PRACTICABLE.
    - SIDEWALKS AND PARKING LOTS SHALL BE SWEPT REGULARLY TO MINIMIZE THE ACCUMULATION OF LITTER AND DEBRIS.
    - BENEFICIAL LANDASCAPING THAT MINIMIZES IRRIGATION, RUNOFF, PESTICIDES & FERTILIZERS AND PROMOTES TREATMENT WILL BE IMPLEMENTED INTO THE PROJECT LANDSCAPE DESIGN
11. ALL PROPOSED STORMWATER TREATMENT FACILITIES WILL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION OF TRACT NO 10221.
12. THE OVERALL STORM CONVEYANCE SYSTEM WAS CALCULATED ASSUMING THE 10-YEAR STORM EVENT.

JOB COPY

APPROVED BY THE MILPITAS BUILDING DIVISION

Civil Engineering Associates
Civil Engineers • Planners • Surveyors
224 Airport Parkway, Suite 550, San Jose, CA 95110
T: (408) 453-1866

PREPARED FOR: TRI Pointe HOMES, 2010 Crow Canyon Place, Suite 300, San Ramon, CA 94583

PRIVATE IMPROVEMENT PLANS
TRACT NO. 10221
STORMWATER MANAGEMENT PLAN
MILPITAS CALIFORNIA

DATE	APR. 11, 14
SCALE	1"=20'
DESIGNED	JG
DRAWN	CH
JOB NO.	13-113
SHEET	18
OF	25 SHEETS

APPENDIX H

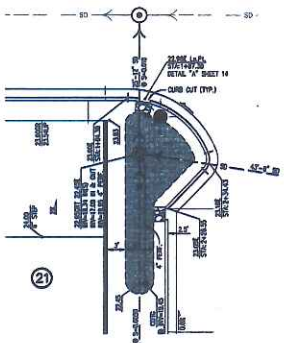
Treatment Measure Details

Storm Water Control Plan

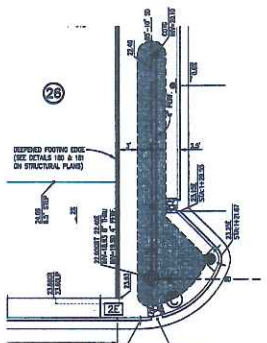
COBBLESTONE / TRACT 10221

MILPITAS, CA

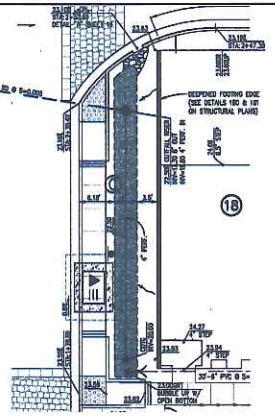
(CEA Project No. 13-113)



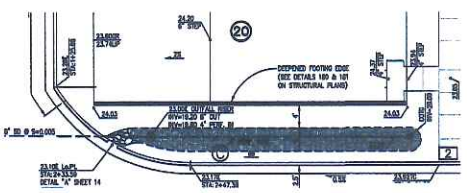
TREATMENT CONTROL MEASURE #1
SCALE: 1"=10'



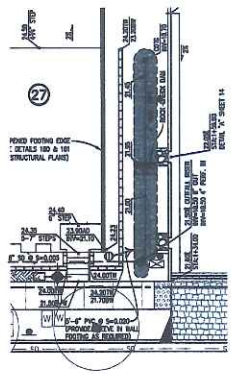
TREATMENT CONTROL MEASURE #2
SCALE: 1"=10'



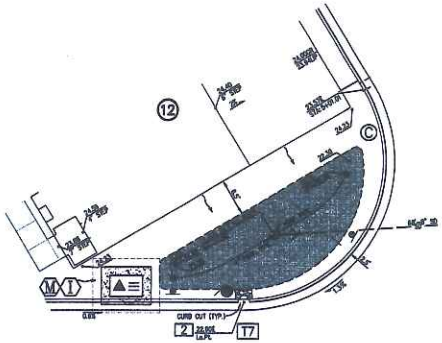
TREATMENT CONTROL MEASURE #3
SCALE: 1"=10'



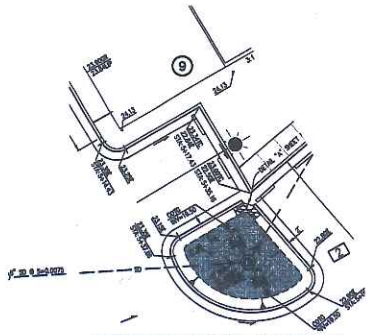
TREATMENT CONTROL MEASURE #4
SCALE: 1"=10'



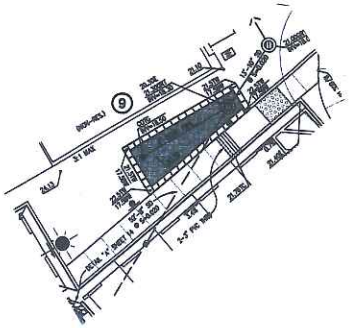
TREATMENT CONTROL MEASURE #5
SCALE: 1"=10'



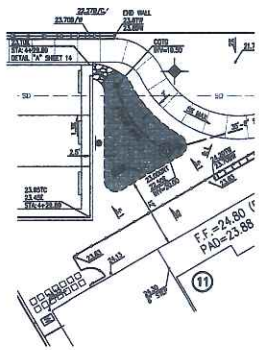
TREATMENT CONTROL MEASURE #6
SCALE: 1"=10'



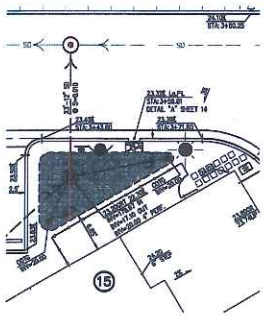
TREATMENT CONTROL MEASURE #7
SCALE: 1"=10'



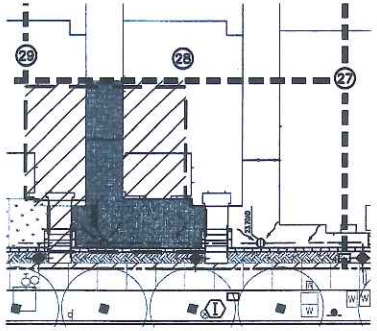
TREATMENT CONTROL MEASURE #8
SCALE: 1"=10'



TREATMENT CONTROL MEASURE #9
SCALE: 1"=10'



TREATMENT CONTROL MEASURE #10
SCALE: 1"=10'



TYPICAL SELF-RETAINING SUBWATERSHED
SCALE: 1"=10'

LEGEND

- BOUNDARY OF WATERSHED "D"
- *SUB WATERSHED BOUNDARY – PORTION OF WATERSHED "D" 852 S.F.
- SELF-RETAINING LANDSCAPING 336 S.F.
- HARDSCAPE SURFACES (ROOF & WALKS) 516 S.F.

IMPERVIOUS/PERVIOUS RATIO PROVIDED:
1.54:1
(2:1 MAX. PER SANTA CLARA C3 GUIDELINES)

STORM SYMBOLS LEGEND

- 6" PVC AREA DRAIN W/ FLAT GRATE
- 8" PVC OUTFALL RISER W/ ATRIUM STYLE GRATE
- 12" PVC OUTFALL RISER W/ ATRIUM STYLE GRATE AND PVC INLET. (BY HARDCO OR APPROVED EQUAL).
- BIOTREATMENT BASIN SEE DETAIL ON SHEET 19
- STORM LINE
- 4" PVC PERFORATED PIPE

JOB COPY
JUN 3 7 2014
CITY OF MILPITAS
BUILDING DIVISION

REGISTERED PROFESSIONAL ENGINEER
ARTHUR SHANE ARMAN
68487
CIVIL
STATE OF CALIFORNIA

NO.	DATE	REVISIONS	BY

Civil Engineering Associates
Civil Engineers • Planners • Surveyors
274 Airport Parkway
Suite 325
San Jose, CA 95110
T: (408) 453-1086

PREPARED FOR:
TRI Pointe HOMES
2010 Crow Canyon Place, Suite 300
San Ramon, CA 94583

PRIVATE IMPROVEMENT PLANS
TRACT NO. 10221
STORMWATER TREATMENT AREAS
MILPITAS CALIFORNIA

DATE	APR. 11, 14
SCALE	1"=10'
DESIGNED	JG
DRAWN	CH
JOB NO.	13-113
SHEET	20
OF	25 SHEETS

APPENDIX I

Operations and Maintenance Plan Forms

Hydromodification Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

Stormwater Treatment Measure Operation and Maintenance Inspection Report to the City of Milpitas, California

This report and attached Inspection and Maintenance Checklists document the inspection and maintenance conducted for the identified stormwater treatment measure(s) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

I. Property Information:

Property Address or APN: 375 Los Coches Street, Milpitas

Property Owner: TriPointe Homes

II. Contact Information:

Name of person to contact regarding this report: _____

Phone number of contact person: _____ Email: _____

Address to which correspondence regarding this report should be directed:

_____

_____

III. Reporting Period:

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from _____ _____ to _____.

IV. Stormwater Treatment Measure Information:

The following stormwater treatment measures (identified treatment measures) are located on the property identified above and are subject to the Maintenance Agreement:

Identifying Number of Treatment Measure	Type of Treatment Measure	Location of Treatment Measure on the Property

V. Summary of Inspections and Maintenance:

Summarize the following information using the attached Inspection and Maintenance Checklists:

Identifying Number of Treatment Measure	Date of Inspection	Operation and Maintenance Activities Performed and Date(s) Conducted	Additional Comments

VI. Sediment Removal:

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period:_____cubic yards.

How was sediment disposed?

- ☐ landfill
- ☐ other location on-site as described in and allowed by the maintenance plan
- ☐ other, explain _____

VII. Inspector Information:

The inspections documented in the attached Inspection and Maintenance Checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

VIII. Certification:

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

_____ _____

Signature of Property Owner or Other Responsible Party Date

_____

Type or Print Name

_____

Company Name

_____

Address

Phone number:_____ Email:_____

Bioretention Area Maintenance Plan for Cobblestone – Tract 10221

December 3, 2014

Project Address and Cross Streets: Los Coches Street and South Milpitas Boulevard

Assessor's Parcel No.: 086-39-001 and -002

Property Owner: Tripointe Homes Phone No:_____

Designated Contact:_____ Phone No:_____

Mailing Address:_____

The property contains 10 bioretention area(s), located per the Stormwater Management Plan approved with the Private Improvement Plans for Tract 10221 and included with this Stormwater Water Management Plan Report

I. Routine Maintenance Activities

The principal maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may lead to bioretention area failure. Routine maintenance activities, and the frequency at which they will be conducted, are shown in Table 1.

Table 1
Routine Maintenance Activities for Bioretention Areas

No.	Maintenance Task	Frequency of Task
1	Remove obstructions, debris and trash from bioretention area and dispose of properly.	Monthly, or as needed after storm events
2	Inspect bioretention area for ponded water. If ponded water does not drain within 2-3 days, till and replace the surface soil and replant.	Monthly, or as needed after storm events
3	Inspect inlets for channels, soil exposure or other evidence of erosion. Clear obstructions and remove sediment.	Monthly, or as needed after storm events
4	Remove and replace all dead and diseased vegetation.	Twice a year
5	Maintain vegetation and the irrigation system. Prune and weed to keep bioretention area neat and orderly in appearance. Remove and or replace any dead plants.	Twice a year
6	Check that mulch is at appropriate depth (2 inches per soil specifications) and replenish as necessary before wet season begins.	Monthly
7	Inspect the energy dissipation at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch.	Annually, before the wet season begins
8	Inspect bioretention area using the attached inspection checklist.	Monthly, or after large storm events, and after removal of accumulated debris or material

II. Use of Pesticides

The use of pesticides and quick release fertilizers shall be minimized, and the principles of integrated pest management (IPM) followed:

1. Employ non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
2. Prune plants properly and at the appropriate time of year.
3. Provide adequate irrigation for landscape plants. Do not over water.
4. Limit fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferable. Check with municipality for specific requirements.
5. Pest control should avoid harming non-target organisms, or negatively affecting air and water quality and public health. Apply chemical controls only when monitoring indicates that preventative and non-chemical methods are not keeping pests below acceptable levels. When pesticides are required, apply the least toxic and the least persistent pesticide that will provide adequate pest control. Do not apply pesticides on a prescheduled basis.
6. Sweep up spilled fertilizer and pesticides. Do not wash away or bury such spills.
7. Do not over apply pesticide. Spray only where the infestation exists. Follow the manufacturer's instructions for mixing and applying materials.
8. Only licensed, trained pesticide applicators shall apply pesticides.
9. Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
10. Unwanted/unused pesticides shall be disposed as hazardous waste.

III. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District
1580 Berger Dr.
San Jose, California 95112
Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356
www.sccgov.org/portal /site/vector

IV. Inspections

The attached Bioretention Area Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

Bioretention Area
Inspection and Maintenance Checklist

Property Address: 375 Los Coches, Milpitas Property Owner: Tripointe Homes

Treatment Measure ID: _____ Date of Inspection: _____ Type of Inspection (Circle): Monthly Pre-Wet Season After heavy runoff End of Wet Season

Inspector(s): _____ Other: _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Desaibe maintenance completed and if needed maintenance was not conducted. note when it will be	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of property.
4. Erosion	Channels have fonned around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of property.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Santa Clara Valley Urban Runoff Pollution Prevention Program

Standard Stormwater Treatment BMP Inspection Data Collection Form

Date: _____ Time: _____ File Number: _____
Municipality_____ Agency or Department: _____
Inspectors _____

I. REASON FOR INSPECTION

☐ Initial ☐ Follow-up ☐ Other _____
☐ Routine ☐ Response to Complaint Inspection Frequency: _____

II. PROJECT INFORMATION

1. ID # or Assessor Parcel Number: _____ 2. Date of Installation _____
3. Project Type: ☐Residential ☐Commercial ☐Industrial ☐Multi-use ☐Road ☐Institutional ☐Other
4. Facility Name: _____
   Site Address: _____
   Contact Name: _____ Phone: _____
5. If the property owner is different than the contact name, fill out information below:
   Owner Name: _____ Title: _____
   Owner's Address: _____ Phone: _____
6. If the BMP operator is different than the contact name, fill out information below:
   Name: _____ Title: _____
   Address: _____ Phone: _____
7. Maintenance Documentation: ☐Reviewed ☐Not Reviewed ☐Not Available ☐Other: _____
8. Party responsible for O&M Documentation: ☐Property owner ☐BMP Operator ☐Contractor ☐Other: _____

III. BMP TYPE AND INSPECTION RESULTS (Use Codes from "Potential Inspection Results with Definitions" sheet)

1. **Biofiltration**
☐ Vegetated Swale _____
☐ Vegetated Buffer Strip _____
☐ Bioretention _____
☐ Roof Gardens _____
☐ Planter Boxes _____

Detention
☐ Extended Detention Basin _____
☐ Wet Pond _____
☐ Wetland _____

Structural
☐ Drain Insert _____
☐ Porous Pavement _____
☐ Media Filter _____
☐ Hydrodynamic Separator _____
☐ Vortex Separator _____
☐ Water Quality Inlet _____
☐ Underground Detention Systems _____
☐ Wet Vault _____

Infiltration
☐ Infiltration Basin _____
☐ Infiltration Trench _____
☐ Exfiltration Trench _____
☐ Retention/Irrigation _____
Other (describe): _____
☐ _____

2. Is maintenance needed at this time? ☐Yes ☐No 3. ***Mosquitoes or Mosquito Larvae Present?** ☐Yes ☐No
4. Comments/Notes: _____

IV. FOLLOW-UP AND ENFORCEMENT ACTIONS (Add additional information on back)

1. Describe corrective actions needed: _____
2. Describe materials distributed (brochures, BMPs, etc.): _____
3. Describe Enforcement Action:
   ☐ None ☐ Verbal Notice ☐ Warning Notice
   ☐ Administrative Action ☐ Administrative Action with Penalty/Fine ☐ Civil Action
   ☐ Criminal Action ☐ Referral for Enforcement _____
4. Follow-up required? ☐Yes ☐No ☐Comments _____
5. Priority for reinspection: ☐High ☐Medium ☐Low
6. Return inspection needed? ☐Yes ☐No ☐Comments _____
7. Required Compliance Date: _____ Date Corrected: _____

Facility Representative: _____ **Inspector:** _____

Background Data for BMP Type

The *Standard Stormwater Treatment BMP Inspection Data Collection Form* (Inspection Form) lists twenty stormwater treatment BMP types (see Section III). Inspectors, data entry staff and others who use the Inspection Form can refer to the California Stormwater Quality Association (CASQA) and SCVURPPP Fact Sheets for background information. The CASQA Fact Sheets are numbered (see below) and are located in the CASQA *Stormwater BMP Handbook for New Development and Redevelopment,* as well as SCVURPPP's *C3. Stormwater Handbook.* The SCVURPPP Fact Sheets are also located in the *C3. Stormwater Handbook.* Both Handbooks are available online.

CASQA Reference Number
Bioretention TC-32
Drain Insert MP-52
Extended Detention Basin TC-22
Infiltration Basin TC-11
Infiltration Trench TC-10
Media Filter TC-40 and MP-40
Retention/Irrigation TC-12
Vegetated Buffer Strip TC-31
Vegetated Swale TC-30
Vortex Separator MP-51
Water Quality Inlet TC-50
Wet Pond TC-20
Wetland MP-20
Wet Vault MP-50

SCVURPPP Fact Sheets (no identification numbers)
Exfiltration Trench
Hydrodynamic Separator
Planter Boxes
Porous Pavement
Roof Gardens
Underground Detention Systems

Potential Inspection Results with Definitions

If mosquitoes or mosquito larvae are observed within a BMP, report condition to: Santa Clara County Vector Control District, 976 Lenzen Ave., San Jose, CA 95126; phone: 408-918-4470; ask for a vector control technician; website: www.sccvector.org

ID	Inspection Results	Definitions
I. All BMP Types		
1	No Visible/Apparent Problems	No visible or apparent problems with BMP function. BMP appears to be well-maintained
2	Significant Engineering/Design Flaws	BMP observed to have significant engineering/design flaws which lessen its effectiveness as a stormwater treatment measure.
3	Unauthorized Modifications	Any modification that lessens the effectiveness of the BMP; any modification not authorized by the City, designated agency or other regulatory agency.
4	BMP Destroyed or Eliminated	BMP destroyed, removed or eliminated from property.
5	Trash/Debris Accumulation or Dumping	Trash & debris accumulates within and/or on BMP; trash & debris interferes with proper BMP function; visual evidence of trash/debris dumping.
6	Evidence of Contaminants & Pollution	Evidence or presence of oil, gasoline, contaminants or other pollutants.
7	BMP Access Obstructed	Access to BMP obstructed or limited.
8	Obnoxious Odors	Unpleasant odors within/from the BMP.
9	Fencing - Missing or Broken Bars	Any defect in or damage to the fence or gate that permits easy entry to a facility.
10	BMP Cannot Be Located	BMP cannot be located for inspection.
II. Biofiltration (Bioretention, Vegetated Buffer Strip, Vegetated Swale, Roof Gardens, Planter Boxes)		
	A. General	
11	Uneven or Clogged Flow Spreader	Flow spreader uneven or clogged so that flows are not uniformly distributed across the BMP.
12	Leaking or Malfunctioning Irrigation System	Irrigation system leaking or malfunctioning.
	B. Sediment and Erosion Problems	
13	Sediment Accumulation	Sediment depth exceeds 2 inches on more than 10% of the vegetated treatment area; or sediment interferes with BMP performance.
14	Erosion/Scouring	Eroded or scoured areas due to flow channelization, higher flows, wind or water.
	C. Vegetation Maintenance Issues	
15	Poor Vegetation Coverage	Planted vegetation is sparse or bare or eroded patches occur in more than 10 % of the BMP. Growth of planted vegetation is poor because sunlight does not reach swale.
16	Invasive/Nuisance Vegetation or Weeds	Planted vegetation is excessively tall; nuisance weeds, invasive or noxious vegetation are overgrown; vegetation reduces free movement of water through BMP.
17	Tree/Brush Growth	Growth does not allow maintenance access or interferes with maintenance activity.
	D. Drainage Problems	
18	Standing Water/Excessive Ponding/Soggy Soil	Water is observed within the BMP (between storms) and appears not to drain freely or soil is excessively soggy. Excessive ponding of water within vegetated swale or other BMP.
19	Mosquito Habitat	Suitable habitat exists for mosquito production (e.g., standing water for more than 72 hours in areas accessible to mosquitoes).
20	Clogged or Obstructed Inlets/Outlets	Inlet/outlet clogged or obstructed with sediment and/or debris.
21	Constant Baseflow/Damage	Small quantities of water flow through the vegetated swale, even when it has been dry for weeks, and an eroded, muddy channel has formed in the swale bottom; constant baseflow from irrigation runoff..
III. Detention and Infiltration (Extended Detention Basin, Wet Pond, Wetland, Exfiltration Trench, Infiltration Basin, Infiltration Trench, Retention/Irrigation)		
	A. Vegetation Maintenance Issues	
22	Invasive/Nuisance Vegetation or Weeds	Invasive, nuisance vegetation or weeds are present.
23	Tree/Brush Growth & Hazard Trees	Growth does not allow maintenance access or interferes with maintenance activity; dead, diseased or dying trees; tree growth on berms or emergency spillway >4 feet in height or covering more than 10 % of spillway.
	B. Sediment and Erosion Problems	
24	Sediment Accumulation	Detention BMPs- sediment on pool bottom preventing water flow in/out of the facility. Infiltration BMPs -Sediment in storage areas, rock filters, and pre-settling ponds and vaults preventing infiltration.
25	Erosion	Eroded damage over two inches deep; potential for continued erosion; any erosion on a compacted berm embankment; soil from adjacent areas washes into/on BMP; continued erosion is prevalent.
	C. Animal Pests	
26	Rodent Holes	If facility acts as a dam or berm, any evidence of rodent holes, or any evidence of water piping through dam or berm via rodent holes.
27	Insects (Wasps, Hornets, Bees)	Insects (wasps, hornets, bees) interfere with maintenance activities. Excessive or nuisance levels.
	D. Drainage Problems	
28	Standing Water/Excessive Ponding/Soggy Soil	Water is observed within the BMP (between storms) and appears not to drain freely or soil is excessively soggy. Excessive ponding of water within vegetated swale or other BMP.
29	Mosquito Habitat	Suitable habitat exists for mosquito production (e.g., standing water for more than 72 hours in areas accessible to mosquitoes).
30	Empty Cell	First cell of wet pond does not hold water.
31	Unlevel Berm Surface	Unlevel internal berm dividing wet pond cells

Potential Inspection Results with Definitions

ID	Inspection Results	Definitions
III. Detention and Infiltration (Extended Detention Basin, Wet Pond, Wetland, Exfiltration Trench, Infiltration Basin, Infiltration Trench, Retention/Irrigation) continued		
	E. Unique to Certain BMPs	
32	Uneven or Clogged Flow Spreader	Flow spreader uneven or clogged so that flows are not uniformly distributed across the BMP.
33	Oil Sheen on Water (Wet ponds)	Prevalent and visible oil sheen.
34	Damaged/Missing Bars (Debris Barriers)	Bars are missing, loose, bent out of shape, or deteriorating due to excessive rust.
35	Leaking or Malfunctioning Irrigation System	Irrigation system leaking or malfunctioning.
36	Embankment Settlement Lower Than Design Elevation	Embankment settlement four inches lower than the design elevation.
IV. Structural, Non-landscaped Based (Drain Insert, Hydrodynamic Separator, Media Filter, Porous Pavement, Vortex Separator, Wet Vault, Water Quality Inlet, Underground Detention Systems)		
	A. General	
37	Mosquito Habitat	Suitable habitat exists for mosquito production (e.g., standing water for more than 72 hours in areas accessible to mosquitoes).
38	Access Cover Damaged/Difficult to Remove/Not in Place	Cover cannot be opened, corrosion/deformation of cover; maintenance person cannot remove cover using normal lifting pressure; cover is missing or only partially in place.
39	Deteriorating Paint or Protective Coating	Part or parts that have a rusting or scaling condition and have affected structural adequacy.
40	Locking Mechanism Not Working	Mechanism cannot be opened by one maintenance person with proper tools. Bolts into frame have less than 1/2 inch of thread (may not apply to self-locking lids).
	B. Ineffective Filter Material, Liners and/or Membranes	
41	Sediment Accumulation	Sediment depth exceeds acceptable levels (varies between BMPs)
42	Ineffective Media Insert/Filter Media	Media inset/filter media ineffective in doing intended function and needs to be replaced; filter is beyond the typical average life of product.
43	Rock Lining Out of Place/Missing (Sand Filters)	Soil beneath the rock lining is visible.
44	Visible Liner with Holes or Damaged	Liner is visible and has more than three 1/4-inch holes in it or is damaged.
45	Compromised Membrane or Roof Structure	Membrane or roof structure is compromised by either roots and/or water discharge.
46	Short Circuiting	Flows do not properly enter filter cartridges (media filters); seepage/flows occur along the vault walls and corners (sand filters); Sand eroding near inflow area (sand filters); flows become concentrated over one section of the sand filter rather than disperse (sand filters).
	C. Pipe or Pipe Joint Problems	
47	Damaged Pipes	Any part of the piping that is crushed, deformed, damaged, in need of repair or any other failure to the piping; protective coating is damaged.
48	Missing Debris Barrier/Not Attached to Pipe	Entire barrier is missing or is not attached to pipe.
49	Sediment in Drain Pipes/Cleanouts	Drain pipes and/or cleanouts are full of sediment and/or debris.
50	Joints Between Tanks/Pipe Section	Any openings or voids allowing material to be transported into facility.
51	Tank Pipe Bent Out of Shape	Any part of tank/pipe is bent out of shape more than 10 % of its design shape.
	D. Underground Vaults/Containers, Chambers, Tanks Issues	
52	Sediment Accumulation	Sediment depth exceeds acceptable levels (varies between BMPs), 20 % of the diameter of the pipe/design depth or interferes with proper BMP function.
53	Vault Structure Damage	Vault structures which are observed to have cracks in walls, bottom damage to frame and/or top slab.
54	Damaged Baffles and/or Weir	Baffles which are corroded, cracked, warped and/or showing signs of failure as determined by maintenance person. Weir is observed to be damaged by maintenance person.
55	Access Ladder Damage	Ladder is corroded or deteriorated, not functioning properly, not securely attached to structural wall, missing rungs, has cracks and/or is misaligned.
56	Oil Accumulation (Water Quality Inlet, Vortex Separator)	Oil accumulations that exceed 1-inch at the surface of the water.
57	Blocked, Damaged or Plugged Air Vents	One-half of the cross section of a vent is blocked at any point or the vent is damaged.
	E. Unique to Certain BMPs	
58	Damaged Coalescing Plates (Water Quality Inlet)	Plate media broken, deformed, cracked and/or showing signs of failure.
59	Clogged Porous Pavement	By visual inspection, little or no water flows through pavement during heavy rain storms, usually causing ponding; clogging due to debris, organic matter and sediment.
60	Damaged Internal Walls (Sand Filter Media)	Internal walls are corroded, cracked, warped and/or showing signs of failure as determined by maintenance person.
61	Prolonged Flows (Sand Filter Media)	Sand is saturated for prolonged periods of time (several weeks) and does not dry out between storms due to continuous base flow or prolonged flows from detention facilities.
V. Other		
62	Other	Inspection results which are not defined by one of the listed fields.

APPENDIX J

3rd Party Certification

Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

BKF
ENGINEERS / SURVEYORS / PLANNERS

December 27, 2013
BKF No. 20120245-11

Mr. Andrew Turner
Civil Engineering Associates, Inc.
224 Airport Parkway, Suite 525
San Jose, CA 95110

Subject: Los Coches
Third-Party Review of
Stormwater Treatment Measures

Dear Mr. Turner,

BKF has conducted a review of the Los Coches stormwater treatment measures as presented on the updated Submittal Improvement Plans by Civil Engineering Associates, Inc. dated December 24, 2013. Treatment measures are further documented on the City of Milpitas - Stormwater Requirements C.3 Data Form and the Feasibility/Infeasibility forms dated December 24, 2013. BKF reviewed and commented on previous drawings and associated calculations. BKF has reviewed this plan set and forms for conformance with prior submittals. The plans provide stormwater treatment in conformance with State of California, Municipal Regional Stormwater Peter Permit, Section C.3 requirements.

The site has a combined area of 2.57 acres on two parcels. The site is within an area that is not subject to Hydromodification Measures.

Treatment Measures

A site feasibility / infeasibility form was completed for the site. Based on the analyses, rainfall harvesting is not feasible for the site. BKF reviewed the analyses and agrees with the conclusion.

The site has Hydrologic Soil Group type D soils. Stormwater infiltration is not required. However, there are limited site areas where percolation is feasible and will be used.

Treatment by self-retention and subsequent percolation is provided within six drainage management areas. Sheets 18 and 19 document treatment areas and associated drainage areas. Within these six areas, runoff is directed to landscape areas. The catch basin inlets within the self-retaining landscape areas are raised at least 3-inches above the local landscape grades, causing runoff to percolate. The runoff capture rate in these areas is less than 0.6 inches. A maximum landscape area to impervious area ratio of 1:2 is used. Landscape areas will act as treatment areas as well as having sufficient storage to allow percolation of the design rainfall based on a Hydrologic soil group type "D" soil using a rate of 0.05 inches per hour, or 1.2 inches

per day. The basins can hold a runoff for a two day event and percolate runoff. A total of 0.8 acres will be treated using the self-retaining landscape percolation areas.

A total of 1.8 acres will be treated using biotreatment facilities. The biotreatment areas are sized using the combined flow volume approach. The storage depth is between 5 and 7 inches.

Facilities sizes are calculated using stormwater storage in conformance with Santa Clara Urban Runoff Pollution Prevention Program guidelines. BKF has reviewed the drainage areas for each DMA and checked the total storage area within each DMA.

Summary

The review is based on the Improvement Plans dated December 24, 2013 and the City of Milpitas - Stormwater Requirements C.3 Data Form and the Feasibility/Infeasibility forms dated December 24, 2013. BKF has reviewed the plans that affect the Stormwater Management Plan (e.g. grading, utility, and landscape plans). These plans were reviewed and no conflicts are noted at this level of plan preparation that would impact the performance of the proposed BMPs. BKF checked that the invert elevation of storm drains can drain the base of biotreatment areas and that there is at least six inches clear between the storm drain and sewer.

Very truly yours,
BKF ENGINEERS

Edward Boscacci, Jr.
PE CA 34369

APPENDIX K

Hydromodification (HMP) Applicability Plan

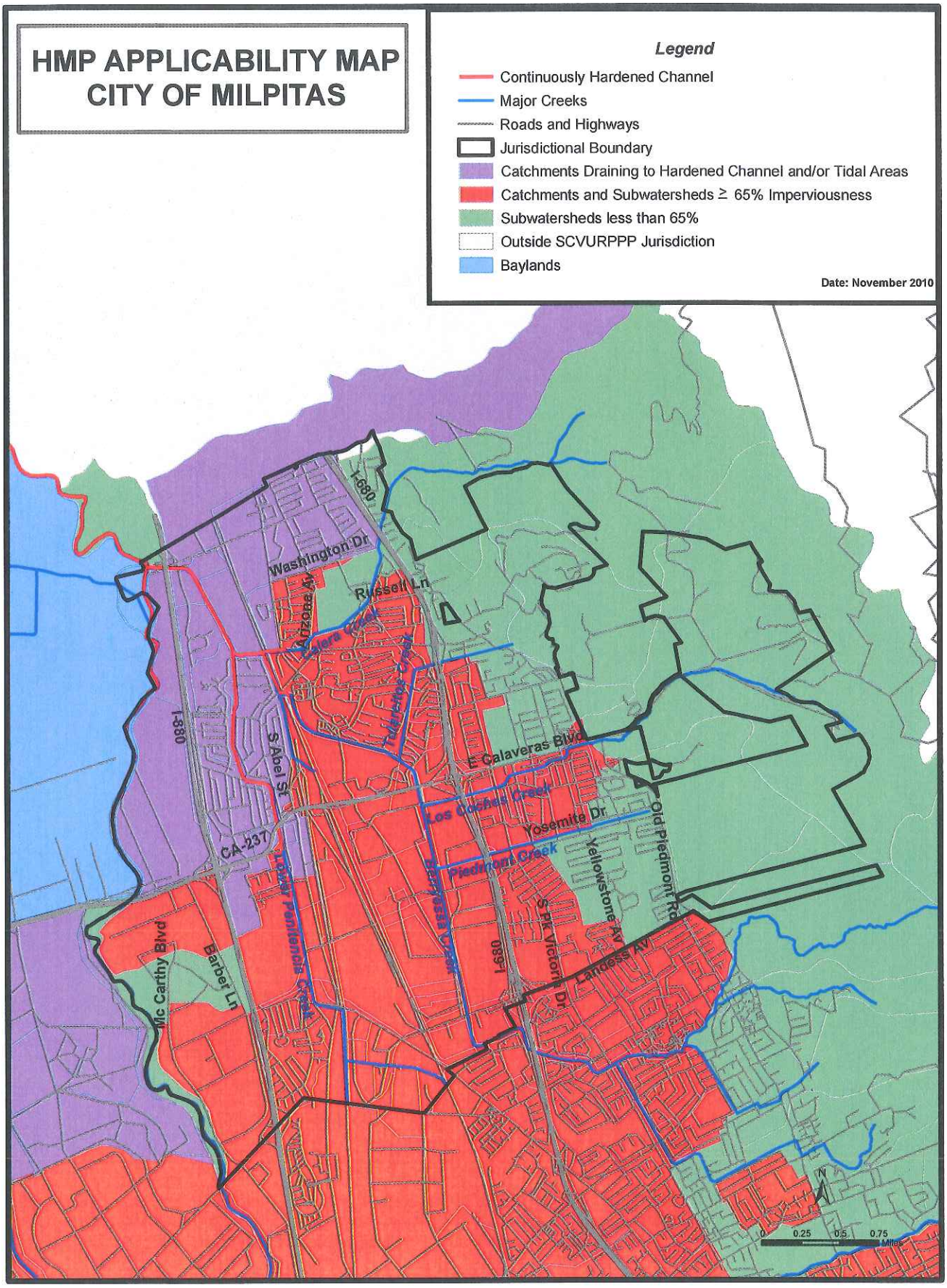
Storm Water Control Plan

COBBLESTONE / TRACT 10221

MILPITAS, CA

(CEA Project No. 13-113)

HMP APPLICABILITY MAP
CITY OF MILPITAS



MEETING MINUTES
CITY OF MILPITAS

Minutes of: **Regular Meeting of Milpitas City Council**
Date: **Tuesday, November 17, 2015**
Time: **6:00 PM Closed Session / 7:00 PM Open**
Location: **Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas**

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

CLOSED SESSION

City Council convened in Closed Session to discuss four litigation matters.

City Council then convened in Open Session at 7:14 PM.

ANNOUNCEMENT

No announcement out of closed session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Councilmember Grilli invited Rev. Jeff Moore to provide a prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of November 3, 2015 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for November and December 2015

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves proclaimed Sikh Awareness Month for November and it was accepted by local resident and leader in the Sikh community.

PUBLIC FORUM

Robert Burrell, Milpitas resident, discussed the film, "The Milpitas Monster" at its 39th year, saying it would be available to view November 23 and 30 at the local movie cinema. He asked for endorsement of the film, as was done in 1976.

Althea Polanski, Milpitas resident, encouraged the Council to endorse the film, as requested.

Mayor Esteves reported that he had recently given a commendationi already for the film.

Rob Means, Milpitas resident, spoke to the Council about PRT transportation.

Dieter Griesmeier, Milpitas resident and President of California Villas Landing Association homeowners group, expressed concerns abou the oldest pump station in Milpitas, near Dixon Landing Road, very close by his condominium complex. Residents there were concerned about

water and material volume going into the pump station. This was notenvironmentally friendly and he urged the City to have the pump station urgently upgraded.

Robert Marini, Milpitas resident, addressed costs he located on page 52 of the previous fiscal year's budget.

Voltaire Montemayor, Milpitas resident, spoke of the homeless, education for kids, new drop house, telling kids to study, what's happening in France and concern, don't be afraid, and mutli-cultural society.

Martha Lamdin, Milpitas resident, supported a skate park in Milpitas. She commented on mailing to residents about the upcoming Prop 218 hearing on water rates. She felt it was not good, as it was not eye-catching and boring.

Steve Siddell, Milpitas resident, wanted to request an item to come off the consent calendar (ordinance 38.823 on special events). He spoke of his visits to foreign countries, and the fact that people can live together in peace and harmony in Milpitas. He acknowledged recent deaths in France and on the Russian airliner that crashed in Syria.

Deepa, a long time resident of Milpitas, thanked the City officials for all the great transition happening in the City of Milpitas, with recent improvements. He also thanked the schools and teachers for educating his children. He saw first-hand the dedication of police and firefighters.

Kevin, a Milpitas resident, noticed water wasting at Rancho School playing fields and asked for that to be taken care of. Mayor Esteves said it was best to notify the School District, or use the City's app to notify city officials, who can forward a report to School District staff to correct.

ANNOUNCEMENTS

City Manager Tom Williams announced the annual Holiday Tree Lighting ceremony was scheduled for Monday, November 30 at 7:00 PM in the civic center, outdoors. Everyone in Milpitas was invited to attend the public event.

Economic Development Manager Edesa Bitbadal announced that on December 9, the City (with others) would host a workshop "Milpitas Competes" through the state *GoBiz* office, held at the Milpitas Community Center and it was open to the South Bay region.

Councilmember Giordano requested a report in December from the Public Works Department on el niño preparations, as Mr. Richard Santos of Santa Clara Valley Water District had done recently at a recent Chamber of Commerce Board meeting.

Councilmember Grilli requested a report back on the status of the region-wide study the City of Milpitas agreed to join on the minimum wage in Santa Clara County. She wanted an update on the status of the study (RFP, etc.) since she hadn't seen anything on City of San Jose website.

Vice Mayor Montano agreed with Mrs. Grilli on her request. The Vice Mayor reported that on this date was held a groundbreaking ceremony for the new Evergreen Community College program at Milpitas School district, with many City officials in attendance. The School District and College hope to hold the first classes starting in August 2016, she noted.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

Councilmember Garry Barbadillo said he had conflict on agenda item no. 2, related to his law firm office location across the street from that development project.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda with change in the order of items heard

Mayor Esteves asked to hear Item No. 2 first, and then for Item No. 5 to follow it.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

A request to remove Item No. 9 (ordinance) was made by one audience member.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

* 4. Commission appointments	Per recommendation of the Mayor, approved the following: Arts Commission: re-appointed Harriet McGuire to a new term that will expire in October of 2018. Veterans Commission: moved Alternate No. 1 Ed Ackerman up to the voting seat as a regular voting member of the Commission to a term that will expire in February of 2016.
* 6. Biennial Rate Adjustments	Received report on biennial rate adjustments for solid waste program services provided by Republic Services of North America.
* 7. Toy Program Donation	Per request from the Milpitas Firefighters Toy Program, approved a $500 donation to the 2015 Milpitas Firefighters Toy Drive.
* 8. Co-sponsor Event with Lions Club	Approved the City of Milpitas co-sponsoring the Milpitas Executive Lions Club's "Celebrating Differences" day event for kids and adults on April 24, 2016, waived City fees in the amount of $3,021 and authorized staff support for the event.
*10. Resolution	Adopted Resolution No. 8512 changing the Bylaws of City Commissions to require resident appointments be those of residents within the City of Milpitas boundary only.
*11. Avoid the 13 program	1) Authorized the Chief of Police to execute the agreement with the County of Santa Clara for the 2016 Avoid the 13 grant program. 2) Approved a budget appropriation in the amount of $18,700.00 to the Police Department overtime budget as a result of the 2016 Avoid the 13 Grant Program.
*12. Amendment to HF&H agreement	1) Approved Amendment No. 2 to the consultant agreement with HF&H Consultants for solid waste procurement services in the amount of $106,800. 2) Approved a budget appropriation in the amount of $106,800 from the Solid Waste Fund to CIP No. 3401.
*13. Cobblestone Project Utility and O&M Agreements	1) Approved and authorized the City Manager to execute the Storm Management Facilities Operation and Maintenance Agreement for 345 Los Coches Street (Cobblestone), Project No. 2792. 2) Approved and authorized the City Manager to execute the On-site Private Utility Agreement for 345 Los Coches Street (Cobblestone), Project No. 2792.

PUBLIC HEARINGS

1. Ordinance No. 290

Due to the late hour (approximately 11:30 PM), this matter was not discussed. Mayor Esteves did open the hearing and requested the City Council vote to continue the hearing and the ordinance to the next meeting.

Motion: to open the public hearing and move to continue it to December 1, 2015

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

2. The District Development Project

Planning Director Bill Ekern explained the various actions requested of the Council for the development project known as "The District" located on six parcel sites at Centre Pointe and Houret Court in the Transit Area Specific Plan area. A zoning change (General Plan and Specific Plan changes) was requested for the project with many residential units to be constructed along with a major retail component. A Conditional Use Permit was needed as well, along with required community benefits identified at the project (for example, a new fire engine). A pedestrian bridge would be built over Penetencia Creek to accommodate pedestrians at this major new development.

Mayor Esteves asked about meeting the requirements for open space. Mr. Ekern responded affirmatively it met those in the TASP, along proposed Market Street and would also include a large public plaza.

Peter Zak of Lyon Communities, who was present with the Chairman and CEO of the company, provided detail of the major development project in the Transit Area Specific Plan area of Milpitas. Large residential buildings would be constructed as "wrap-around" style facilities so residents could park inside on the same floor as their homes, and parking spaces could not be viewed from the outside of the building. One building would be a 10-story structure. He was pleased to note that the development was exceeding the retail component requirement by 17,000 square feet and also was exceeding parking requirements with added on-street parking spaces.

Mayor Esteves inquired about removal of trees and planting of new ones. He asked about two-for-one policy and staff responded would be happy to adjust the numbers, as needed.

Mr. Zak reviewed timelines, including other elements that his firm was already building at the location. He displayed a video with a moving overview of what the development would look like when constructed. The company hoped to start construction next year, with final build-out taking about three to four years for completion.

Councilmember Grilli announced that Mr. Bob Nunez, Milpitas Unified School Board member, had submitted a letter of support for this project that had been given out at the Planning Commission.

Vice Mayor Montano asked about play space for children. Mr. Zak pointed out courtyards and rooftop amenities, and also a short walking trail to the future new community park. She asked about exercise equipment along the trails, and if there would be doggy bags along the open space. She commented on other elements of the project, including need for widening of Montague.

Next, Mayor Esteves opened the public hearing.

Robert Marini, Milpitas resident, heard there would be no low-income people in this development. New housing units would require a great deal more water to be used, in a time of drought. A benefit could be recycled water into the toilets of the buildings, not using potable water for flushing.

Dieter Griesmeier, Milpitas resident, said the traffic would be a nightmare with this monster building of ten stories going in and it was too crowded for Milpitas. There was too much for those who lived here now.

A man, Milpitas resident, knew this side of Montague would be expanded eventually, having the commercial buildings would be beneficial, and he asked about the small parcel left. He did have concerns about generating traffic. Long term planning was needed.

Rob Means, 1421 Yellowstone, talked of shared use mobility. Providing an extra 257 parking spaces for the project was going in the wrong direction. More affordable housing was needed. He encouraged the appropriate type of trees to be planted (not palms) and said there was a need for electric car charging spaces.

Voltaire Montemayor, Milpitas resident, was impressed and encouraged by the project. This would keep Milpitas competitive with surrounding cities.

Martha Lamdin, Milpitas resident, was sad and disappointed with this. She liked the older style of Milpitas with single family homes, with a driveway and when it was easy driving around town. Too much traffic would result, if this was built.

Mike Strle, speaking as a member and on behalf of the Milpitas Economic Development Commission, reported the group took a vote the previous week and Commissioners were fully in favor of this project, which provide new residences and businesses for the city.

(1) Motion: to close the hearing following all speakers

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of:
AYES: 4
NOES: 0
ABSTAIN: 1 (Barbadillo)

Councilmember Giordano asked the Economic Development Manager about the jobs/ housing balance with this project. Bringing 120,000 sq. ft. of retail/commercial space with residential (much needed housing units) would support local industry. Ms. Edesa Bitbadal commented further on the economic opportunity.

Councilmember Grilli asked if staff could address Ms. Lamdin's remarks about the Transit Area Specific Plan, and lack of information given to residents about it. Mayor Esteves commented that the city was not "building blind." Perhaps some residents did not know about or know details of the established Transit Area Specific Plan adopted in 2008, with many details of what would be allowed for development in the new BART station vicinity. It was written over several years with a great deal of public comments and input. Similarly developed was the adopted Mid-Town Specific Plan. City Manager Williams commented on the plans and acknowledged current traffic concerns of city residents.

Mayor Esteves suggested jacaranda trees as one of the types to be planted as accent trees, and staff said that could be accommodated.

(2) Motion: to adopt Resolution No. 8509 adopting the Addendum to the certified Environmental Impact Report for the Transit Area Specific Plan, in support of the "The District" development at Centre Pointe and Houret Ct

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:
AYES: 4
NOES: 0
ABSTAIN: 1 (Barbadillo)

(3) Motion: to adopt Resolution No. 8510 adopting the General Plan Amendment and the Specific Plan Amendment for "The District" development project

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:
AYES: 4
NOES: 0
ABSTAIN: 1 (Barbadillo)

(4) Motion: to adopt Resolution No. 8511 approving the Site Development Permit, Use Permit, Major Tentative Maps, and approving exceptions to Supplemental Water Use Restrictions for "The District" development at Centre Pointe and Houret

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Barbadillo)

City Attorney Diaz read aloud the title of Ordinance No. 38.324, "An Uncodified Ordinance of the City Council of the City of Milpitas Amending the Zoning Map for Chapter 10, Title XI of the Milpitas Municipal Code (RZ 15-0005) to Change the Zoning Designation of a Portion of Assessor's Parcel Numbers 086-33-086 and 086-033-087 from MXD2-TOD (Mixed Use-High Density with Retail/Transit Oriented Development Overlay) to R3-TOD (Multiple Family-High Density Transit Oriented Development Overlay) and Implement a Corresponding Amendment to the Transit Area Specific Plan Zoning District Map (Fieg 5-21)."

(5) Motion: to waive the first reading beyond the title of Ordinance No. 38.324

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Barbadillo)

(6) Motion: to introduce Ordinance No. 38.824

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Barbadillo)

Peter Zak announced a ground breaking ceremony for District Lot 1 at 11:00 AM the following day, Wednesday, November 18.

Mayor Esteves announced that Council would take a short break at 9:21 PM and it reconvened at 9:34 PM.

3. Continue Hearing on Landscaping Ordinance No. 238.4

Due to the late hour (approximately 11:30 PM), this matter was not discussed. Mayor Esteves did open the hearing and requested the City Council vote to continue the hearing and the ordinance to the next meeting.

Motion: to open the public hearing on revisions to the city's Water Efficient Landscape ordinance and continue it to December 1, 2015

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

5. Report from Campaign Finance Reform Committee

City Clerk Mary Lavelle reported that the Campaign Finance Reform Committee, appointed by the Mayor last January, met seven times in 2015. She introduced the Committee's Chair Althea Polanski, who came to the podium to present the report of 14

recommendations regarding campaign finance and elections in Milpitas. Seeking to have fair and equitable election and campaign processes was the goal, and she thanked the Committee members for their work, four of whom were present. She then proceeded to introduce and explain each of the Committee's recommendations to change campaign-related regulations.

The first topic was regarding a proposed campaign contribution cap, strongly urged by the Committee. City Councilmembers asked many questions about this concept, and some were skeptical of its application for Milpitas elections, since it might put an underfunded candidate at a disadvantage to a well–funded candidate who did not accept the limit.

City Attorney Chris Diaz commented that a contribution limit was much more likely to pass constitutional muster than an expenditure cap. Candidate loans could be exempted from the local rule on contributions cap, if desired.

There were many comments on loans from a candidate's own funds to a campaign committee and if that counted toward a limit/cap or not. The City Attorney said he could research further and respond in writing.

Recommendations No. 2 through No. 14 were identified by Chair Polanski, and she responded to questions that the Council asked on several of the proposals.

Councilmember Grilli felt that penalties recommended were such that no one would volunteer to sign up for the cap. There was no accountability in some of it and she felt there needs to be more of that. A lot more review of these subjects was needed by City Council before an ordinance would be introduced.

Next, the Mayor invited audience members to comment.

Robert Marini, Milpitas resident, felt it would give too much advantage to the Mayor if the contribution cap was $20,000 when City Council cap amount was only $15,000.

Rob Means, Milpitas resident, referred to "outside forces" or PACs (political action committees), and none of these recommendations touched that, such a large issue across the country. This proposal did not address any of that from the Supreme Court's decision. Start dealing with that by supporting a proposed 28th amendment to the U.S, Constitution.

Voltaire Montemayor, Milpitas resident, talked about imposing an ordinance on election next year. The limit of the cap was a little bit low he thought.

Councilmember Grilli referred to PACs and a new AB 990 to require more disclosure for PACs in the state. More was required in their advertising The committee had lots of good ideas, but there was more to discuss by Council. She wanted the City to have more positive campaigns than negative, and sought how that could be incorporated.

Vice Mayor Montano liked idea of endorsing Proposition 49 (requested by Rob Means) by City Council and sought more information about it.

Councilmember Barbadillo appreciated the Committee's work on this topic. He did support an ordinance to make most of the recommendations happen. He offered suggestions on the legal language to craft the ordinance to prohibit PACs from contributing to candidate committee if there was quid pro quo corruption (implicit versus explicit bribe of a public official).

Mayor Esteves cared very much about dealing with PACs. More topics could be addressed by the Campaign Finance Reform Committee he felt. Those included ethics, lobbyists donating or not and pay-for-play (by PACs), so he offered the option for the Committee to meet and discuss further. Meet one more time, he urged, and the City Council could then go from there.

Councilmember Grilli wanted the committee to discuss accountability, and perhaps providing resources to the City Clerk.

Vice Mayor Montano liked some of the suggestions for PACs to limit those. She wanted to know if the Supreme Court or Superior Court superseded local ordinances, and the City Attorney agreed the City has to abide by court decisions. The Vice Mayor also suggested researching having a seven-member City Council.

Mayor Esteves also asked to consider looking at voluntary non-acceptance of contribution from unions. He gave the Committee a big thank you for all their work to date on the many recommendations provided at this meeting. Their work however was not done yet and he asked the group to meet again. Chair Polanski replied that could mostly likely happen after the holidays, in January 2016.

No vote was taken on the Committee's report.

9. Adopt Ordinance 38.823

Resident Steve Siddell had concerns about the ordinance on special events regulations. He did not like some specific language of the ordinance about one table and more than two chairs being possibly defined as an event. He expressed other concerns and asked the Council not to adopt the ordinance in current form.

Mayor Esteves asked Planning Director Bill Ekern to respond to the resident's comments, which he did by expressing the major intent of the ordinance.

Councilmember Giordano offered that staff could return this topic to the Council agenda six months from now and then review the policy once it was in progress. She suggested the Council could then determine if there was anything to adjust then.

Motion: to waive the second reading and adopt Ordinance No. 38.823, and to return to City Council in six months time to provide a review of the process for Special Events permitting

Motion/second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 11:36 PM.

The foregoing minutes were approved by the Milpitas City Council on December 1, 2015.

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Mary Lavelle,
Milpitas City Clerk